

रजिस्ट्री सं. डीएल-33004/2000

REGISTERED No. DL-33004/2000



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 30]

नई दिल्ली, मंगलवार, जुलाई 25, 2000 / श्रावण 3, 1922

No. 30]

NEW DELHI, TUESDAY, JULY 25, 2000/ SRAVANA 3, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 25th July, 2000.

BILL No. 98 OF 2000

A Bill to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Freedom of Information Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in relation to a public authority established, constituted, owned, substantially financed by funds provided directly or indirectly or controlled—

(i) by the Central Government, the Central Government;

(ii) by the State Government, the State Government;

(b) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly and the Chairman in the case of the Council of States or the Legislative Council;

(ii) the Chief Justice of India in the case of the Supreme Court;

(iii) the Chief Justice of the High Court in the case of a High Court;

(iv) the President or the Governor, as the case may be, in case of other authorities created by or under the Constitution;

(c) "freedom of information" means the right to obtain information from any public authority by means of,—

(i) inspection, taking of extracts and notes;

(ii) certified copies of any records of such public authority;

(iii) disketts, floppies or in any other electronic mode or through print-outs where such information is stored in a computer or in any other device;

(d) "information" means any material in any form relating to the administration, operations or decisions of a public authority;

(e) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(f) "public authority" means any authority or body established or constituted,—

(i) by or under the Constitution;

(ii) by any law made by the appropriate Government,

and includes any other body owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government;

(g) "Public Information Officer" means the Public Information Officer appointed under sub-section (1) of section 5;

(h) "record" includes—

(i) any document, manuscript and file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(iv) any other material produced by a computer or by any other device;

(i) "third party" means a person other than the person making a request for information and includes a public authority.

CHAPTER II

FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

Freedom of Information.

3. Subject to the provisions of this Act, all citizens shall have freedom of information.

Obligations on public authorities.

4. Every public authority shall—

(a) maintain all its records, in such manner and form as is consistent with its operational requirements duly catalogued and indexed;

(b) publish at such intervals as may be prescribed by the appropriate Government or competent authority,—

- (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees and the procedure followed by them in the decision making process;
 - (iii) the norms set by the public authority for the discharge of its functions;
 - (iv) rules, regulations, instructions, manuals and other categories of records under its control used by its employees for discharging its functions;
 - (v) the details of facilities available to citizens for obtaining information;
- and
- (vi) the name, designation and other particulars of the Public Information Officer.

(c) publish all relevant facts concerning important decisions and policies that affect the public while announcing such decisions and policies;

(d) give reasons for its decisions, whether administrative or quasi-judicial to those affected by such decisions;

(e) before initiating any project, publish or communicate to the public generally or to the persons affected or likely to be affected by the project in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of maintenance of democratic principles.

5. (1) Every public authority shall for the purposes of this Act, appoint one or more officers as Public Information Officers.

Appointment
of Public
Information
Officers.

(2) Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.

(3) The Public Information Officer may seek the assistance of any other officer as he considers necessary for the proper discharge of his duties.

(4) Any officer whose assistance has been sought under sub-section (3), shall render all assistance to the Public Information Officer seeking his assistance.

6. A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him:

Request for
obtaining
Information.

Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.

7. (1) On receipt of a request under section 6, the Public Information Officer shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information requested on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Disposal of
requests.

Provided that where it is decided to provide the information on payment of any further fee representing the cost of providing the information, he shall send an intimation to the person making the request, giving the details of the fees determined by him, requesting him to deposit the fees and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to above.

(2) Before taking any decision under sub-section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

(3) Where a request is rejected under sub-section (2), the Public Information Officer shall communicate to the person making request,—

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejections may be preferred
- (iii) the particulars of the appellate authority.

(4) Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

Exemption
from
disclosure of
information.

8. (1) Notwithstanding anything hereinbefore contained, the following information not being information relating to any matter referred to in sub-section (2), shall be exempted from disclosure, namely:—

(a) information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the State, strategic scientific or economic interest of India or conduct of international relations;

(b) information, the disclosure of which would prejudicially affect public safety and order, detection and investigation of an offence or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case;

(c) information, the disclosure of which would prejudicially affect the conduct of Centre-State relations, including information exchanged in confidence between the Central and State Governments or any of their authorities or agencies;

(d) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

(e) minutes or records of advice including legal advice, opinions or recommendations made by any officer of a public authority during the decision making process prior to the executive decision or policy formulation;

(f) trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interests or the competitive position of a public authority; or would cause unfair gain or loss to any person; and

(g) information, the disclosure of which may result in the breach of privileges of Parliament or the Legislature of a State, or contravention of a lawful order of a court.

(2) Any information relating to any occurrence, event or matter which has taken place occurred or happened twenty-five years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty-five years has to be computed, the decision of the Central Government shall be final.

Grounds for
refusal to
access in
certain cases.

9. Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information also where such request—

(a) is too general in nature or is of such a nature that, having regard to the volume of information required to be retrieved or processed would involve disproportionate diversion of the resources of a public authority or would adversely interfere with the functioning of such authority:

Provided that where such request is rejected on the ground that the request is too general, it would be the duty of the Public Information Officer to render help as

far as possible to the person making request to reframe his request in such a manner as may facilitate compliance with it;

(b) relates to information that is required by law, rules, regulations or orders to be published at a particular time and such information is likely to be so published within thirty days of the receipt of such request; or

(c) relates to information that is contained in published material available to public;

(d) relates to information which would cause unwarranted invasion of the privacy of any person.

10. If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not obtain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

Severability.

11. Where a public authority intends to disclose information on a request made by a party which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall by notice to such third party invite representation against the proposed disclosure, if any, within fifty days from the date of receipt of such notice:

Third party information.

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

12. (1) Any person aggrieved by a decision of the Public Information Officer may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed:

Appeals.

Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) A second appeal against the decision under sub-section (1) shall lie within thirty days of such decision, to the Central Government or the State Government or the competent authority, as the case may be:

Provided that the Central Government or the State Government or the competent authority, as the case may be, may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The appeals referred to in sub-sections (1) and (2) shall be disposed of within thirty days of the receipt of such appeals or within such extended period, as the case may be, for reasons to be recorded in writing.

(4) If the decision of the Public Information Officer against which the appeal is preferred under sub-section (1) or (2) also relates to information of third party, the appellate authority shall give a reasonable opportunity of being heard to that third party.

CHAPTER III

MISCELLANEOUS

13. No. suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Protection of action taken in good faith.

19 of 1923.

14. The Provisions of the Official Secrets Act, 1923, and every other Act in force shall cease to be operative to the extent to which they are inconsistent with the provisions of this Act.

Act to have overriding effect.

Bar of jurisdiction of courts.

15. No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

Act not to apply to certain organisations.

16. (1) Nothing contained in this Act,—

(a) shall apply to the intelligence and security organisations, specified in the Schedule being organisations established by the Central or a State Government or any information furnished by such organisations to the respective Governments;

(b) shall until Part B of the Schedule is amended under sub-section (2), apply to the intelligence and security organisations by whatever name called discharging their functions as such under the State Governments.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by the Central or a State Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2), shall be laid before each House of Parliament.

Power to make rules by Central Government.

17. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) intervals at which matters referred to in sub-clauses (i) to (vi) of clause (b) of section 4 shall be published;

(b) the fee payable under sub-section (1) of section 7;

(c) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(d) any other matter which is required to be, or may be, prescribed.

Power to make rules by State Government.

18. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the fee payable under sub-section (1) of section 7;

(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(c) any other matter which is required to be, or may be, prescribed:

Provided that initially the rules shall be made by the Central Government by notification in the Official Gazette.

Rule making power by competent authority.

19. (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the fee payable under sub-section (1) of section 7;

(b) the authority before whom an appeal may be preferred under sub-section (1) of section 12;

(c) any other matter which is required to be, or may be, prescribed.

20. (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of rules.

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Houses of Parliament.

THE SCHEDULE

(See section 16)

PART A

INTELLIGENCE AND SECURITY ORGANISATIONS ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.

PART B

INTELLIGENCE AND SECURITY ORGANISATIONS ESTABLISHED BY THE STATE GOVERNMENT

Name of the Organisation

Name of the State

- 1.
- 2.
- 3.

STATEMENT OF OBJECTS AND REASONS

The need to enact a law on right to information was recognized unanimously by the Chief Ministers Conference on "Effective and Responsive Government" held on 24th May, 1997 at New Delhi. In its 38th Report relating to Demands for Grants of the Ministry of Personnel, Public Grievances and Pension, the Parliamentary Standing Committee on Home Affairs recommended that the Government should take measures for enactment of such a legislation.

2. In order to make the Government more transparent, and accountable to the public, the Government of India appointed a Working Group on Right to Information and Promotion of Open and Transparent Government under the Chairmanship of Shri H. D. Shourie. The Working Group was asked to examine the feasibility and need for either full-fledged Right to Information Act or its introduction in a phased manner to meet the needs of open and responsive Governance and also to examine the frame work of rules with reference to the Civil Service (Conduct) Rules and Manual of Office Procedure. The said Working Group submitted its report in May, 1997 along with a draft Freedom of Information Bill to the Government. The Working Group also recommended suitable amendments to the Civil Service (Conduct) Rules and the Manual of Departmental Security instructions with a view to bring them in harmony with the proposed Bill.

3. The draft Bill submitted by the Working Group was subsequently deliberated by the Group of Ministers constituted by the Central Government to ensure that free flow of information was available to the public, while, *inter alia*, protecting the national interest, sovereignty and integrity of India; and friendly relations with foreign States.

4. The proposed Bill is in accord with both article 19 of the Constitution as well as article 19 of the Universal Declaration of Human Rights.

5. In our present democratic frame work, free flow of information for the citizens and non-Government institutions suffers from several bottlenecks including the existing legal frame work, lack of infrastructure at the grass root levels and an attitude of secrecy within the Civil Service as a result of the old frame work of rules. The Government proposes to deal with all these aspects in a phased manner so that the Freedom of Information Act became a reality consistent with the objective of having a stable, honest, transparent and efficient Government.

6. The proposed Bill will enable the citizens to have an access to information on a statutory basis. With a view to further this objective, clause 3 of the proposed Bill specifies that subject to the provisions of this Act, every citizen shall have right to freedom of information. Obligation is cast upon every public authority under clause 4 to provide information and to maintain all records consistent with its operational requirements duly catalogued, indexed and published at such intervals as may be prescribed by the appropriate Government or the competent authority.

7. The Bill seeks to achieve the above objects.

NEW DELHI;
The 15th May, 2000.

VASUNDHARA RAJE.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

(Copy of letter No. 34011/1(s)/97-Estt.(B) dated 15th May, 2000 from Mrs. Vasundhara Raje, Minister of State for Personnel, Public Grievances and Pension to the Secretary-General, Lok Sabha)

The President, having been informed of the subject matter of "The Freedom of Information Bill, 2000", recommends the introduction and consideration of the said Bill in the Lok Sabha under Article 117(1) and (3) of the Constitution.

FINANCIAL MEMORANDUM

1. Sub-clause 1 of clause 5 of the Bill provides for appointment of one or more officers as Public Information Officers to deal with requests for information. It is expected that the various agencies would be appointing some of their existing officers as the Public Information Officers for the purpose of this Act or redesignating the publicity or information officers as Public Information Officers. Only in a few cases, it might be necessary to create additional posts for this purpose. Thus, the manpower requirement in this regard arising from the legislation is expected to be met from within the existing sanctioned strength of the various agencies at the Central and State level, all within the existing budget.

2. At this stage, it is not possible to give precise details of the expenditure to be incurred on material resources in terms of computers and other office equipment required for supply of information. However, the requirement of these items is likely to be met by the ongoing programmes for computerization of operations in various agencies and any additional expenditure might be offset by recovery of fees for supply of information.

3. After the proposed Bill becomes an Act, a nodal Cell for finalization of rules and instructions, guiding the States and reporting progress to Government shall have to be set up in the Ministry of Personnel, Public Grievances and Pensions under the Central Government. This Cell shall consist of one Joint Secretary, two Deputy Secretaries, two Senior Analysts and two conventional sections. In addition, the personal staff of the above officers will also be appointed. An estimated recurring expenditure of Rs. 28 lakhs is likely to be incurred on the salaries of the officers and staff in the Cell.

4. The Bill does not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16(2) of the Bill empowers the Central Government, by notification in the Official Gazette, to amend the Schedule for including any other intelligence or security organisation established by the Central or State Government or omit therefrom any organisation already specified therein.

Clause 17 of the Bill empowers the Central Government to make rules to carry out the provisions of the Act. Sub-clause (2) of that clause enumerates the matters with respect to which rules may be made under this clause.

These matters relate to, *inter alia*, the intervals at which particulars of organisation, functions and duties of its officers, details of facilities available to citizens for obtaining information in such organisation; fee payable to obtain an information from an organisation; the authority to be prescribed before whom an appeal may be preferred from the decision of Public Information Officer and any other matter which is required to be prescribed.

Clause 18 of the Bill empowers the State Government to make rules to carry out the provisions of the Act. The matters in respect of which such rules may be made are specified therein. These matters relate to, *inter alia*, the fee payable to obtain information from any organisation; the authority to be prescribed before whom an appeal may be preferred against the decision of the Public Information Officer and any other matter which is required to be prescribed.

Clause 19 of the Bill empowers the competent authority to make rules to carry out the provisions of the Act. These matters relate to, *inter alia*, the fee payable for obtaining the information from the Public Information Officer of an organisation; the authority to be prescribed before whom an appeal may be preferred against the decision of the Public Information Officer and any other matter which is required to be prescribed.

Clause 21 of the Bill empowers the Central Government by order to remove certain difficulties which may appear to it to be necessary or expedient. Further, such order shall not be made under this clause after the expiry of a period of two years from the commencement of this Act. Every such order shall be laid before both Houses of Parliament.

The matters in respect of which rules may be made are matters of administrative details and procedure and, it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 99 OF 2000

A Bill further to amend the Border Security Force Act, 1968.

Be it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. This Act may be called the Border Security Force (Amendment) Act, 2000.

Short title.

47 of 1968.

2. In the Border Security Force Act, 1968, after section 121, the following section shall be inserted, namely:—

Insertion of
new section
121A.

“121A. When any person subject to this Act is sentenced by a Security Force Court to a term of imprisonment, not being an imprisonment in default of payment of fine, the period spent by him in civil or Force custody during investigation, inquiry or trial of the same case, and before the date of order of such sentence, shall be set off against the term of imprisonment imposed upon him, and the liability of such person to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him.”.

Period of
custody
undergone by a
person to be
set-off against
the
imprisonment.

STATEMENT OF OBJECTS AND REASONS

The Border Security Force Act, 1968 (47 of 1968) was enacted to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the borders of India and for matters connected therewith.

2. In *Union of India and Others versus Anand Singh Bisht*, (1996) 10 Supreme Court Cases, 153, the Supreme Court of India has held that "a provision similar to Section 428 of the Criminal Procedure Code or Section 169A of the Army Act should be incorporated in the Border Security Force Act so as to safeguard the interest of the undertrial accused in the Border Security Force, because a member of Border Security Force when subjected to court-martial is not entitled to the benefit of Section 428 Criminal Procedure Code. It is only desirable that such amendment should be made without delay." It is, therefore, proposed to amend the Border Security Force Act, 1968 with a view to insert a new provision in the said Act on the lines of section 169A of the Army Act, 1950 to provide for setting off the period of pre-trial detention against the sentence of imprisonment imposed on a person governed by the Border Security Force Act, 1968.

3. The Bill seeks to achieve the aforesaid object.

NEW DELHI;
The 12th May, 2000.

L. K. ADVANI

BILL NO. 96 OF 2000

A Bill to provide for the reorganisation of the existing State of Madhya Pradesh and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. This Act may be called the Madhya Pradesh Reorganisation Act, 2000.

Short title.

2. In this Act, unless the context otherwise requires,—

Definition of

(a) "appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(b) "article" means an article of the Constitution;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;

43 of 1950.

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "existing State of Madhya Pradesh" means the State of Madhya Pradesh as existing immediately before the appointed day;

(f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Madhya Pradesh;

(g) "notified order" means an order published in the Official Gazette;

(h) "population ratio", in relation to the States of Madhya Pradesh and Chhattisgarh means the ratio of 485.7:176.2;

(i) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Madhya Pradesh means a person who immediately before the appointed day, is a member of that House;

(j) "successor State", in relation to the existing State of Madhya Pradesh means the State of Madhya Pradesh or Chhattisgarh;

(k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Madhya Pradesh to the State of Chhattisgarh;

(l) "treasury" includes a sub-treasury; and

(m) any reference to a district, tehsil or other territorial division of the existing State of Madhya Pradesh shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF MADHYA PRADESH

Formation of
Chhattisgarh
State.

3. On and from the appointed day, there shall be formed a new State to be known as the State of Chhattisgarh comprising the following territories of the existing State of Madhya Pradesh, namely:—

Bastar, Bilaspur, Dantewada, Dhamtari, Durg, Janjgir-Champa, Jashpur, Kanker, Kawardha, Korba, Koriya, Mahasamund, Raigarh, Raipur, Rajnandgaon and Surguja districts,

and thereupon the said territories shall cease to form part of the existing State of Madhya Pradesh.

State of
Madhya
Pradesh and
territorial
divisions
thereof.

4. On and from the appointed day, the State of Madhya Pradesh shall comprise the territories of the existing State of Madhya Pradesh other than those specified in section 3.

Amendment of
the First
Schedule to
the
Constitution.

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

(a) in the paragraph relating to the territories of the State of Madhya Pradesh, after the words, brackets and figures "the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959," the following shall be added, namely:—

47 of 1959.

"but excluding the territories specified in section 3 of the Madhya Pradesh Reorganisation Act, 2000.";

(b) after entry 25, the following entry shall be inserted, namely:—

"27. Chhattisgarh: The territories specified in section 3 of the Madhya Pradesh Reorganisation Act, 2000."

6. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Madhya Pradesh or Chhattisgarh to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

Saving powers of the State Government.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

7. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

Amendment of the Fourth Schedule to the Constitution.

(a) entries 9 to 27 shall be renumbered as entries 10 to 28 respectively;

(b) in entry 8, for the figures "16", the figures "11" shall be substituted;

(c) after entry 8, the following entry shall be inserted, namely:—

"9. Chhattisgarh 5."

8. (1) On and from the appointed day, the sixteen sitting members of the Council of States representing the existing State of Madhya Pradesh shall be deemed to have been elected to fill the seats allotted to the States of Madhya Pradesh and Chhattisgarh, as specified in the First Schedule to this Act.

Allocation of sitting members.

(2) The term of office of such sitting members shall remain unaltered.

The House of the People

9. On and from the appointed day, there shall be allocated 29 seats to the successor State of Madhya Pradesh, and 11 to the successor State of Chhattisgarh, in the House of the People, and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

43 of 1950.

Representation in the House of the People.

10. On and from the appointed day, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall stand amended as directed in the Second Schedule to this Act.

Delimitation of Parliamentary and Assembly constituencies.

11. (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor States of Madhya Pradesh or Chhattisgarh, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

Provision as to sitting members.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

12. (1) The number of seats as on the appointed day in the Legislative Assemblies of the States of Madhya Pradesh and Chhattisgarh shall be two hundred and thirty and ninety respectively.

Provisions as to Legislative Assemblies.

43 of 1950.

(2) In the Second Schedule to the Representation of the People Act, 1950, under heading "I States",—

(a) entries 5 to 25 shall be renumbered as entries 6 to 26 respectively;

(b) after entry 4, the following entry shall be inserted, namely:—

"5. Chhattisgarh 90.";

(c) in entry 13, as so renumbered, for the figures "320", the figures "230" shall be substituted.

Allocation of
sitting
members.

13. (1) Every sitting member of the Legislative Assembly of the existing State of Madhya Pradesh elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 10 stands allotted, with or without alteration of boundaries, to the State of Chhattisgarh shall, on and from that day, cease to be a member of the Legislative Assembly of Madhya Pradesh and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Chhattisgarh from that constituency so allotted.

(2) All other sitting members of the Legislative Assembly of the existing State of Madhya Pradesh shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency the extent, or the name and extent of which are altered by virtue of the provisions of section 9 shall be deemed to have been elected to the Legislative Assembly of Madhya Pradesh by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Madhya Pradesh and Chhattisgarh shall be deemed to be duly constituted on the appointed day.

(4) The sitting member of the Legislative Assembly of the existing State of Madhya Pradesh nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Madhya Pradesh under that article.

Duration of
Legislative
Assemblies.

14. The period of five years referred to in clause (1) of article 172, shall, in the case of Legislative Assembly of the State of Madhya Pradesh and the State of Chhattisgarh be deemed to have commenced on the date on which it actually commenced in the case of Legislative Assembly of the existing State of Madhya Pradesh.

Speakers and
Deputy
Speakers.

15. (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Madhya Pradesh shall continue to be the Speaker and Deputy Speaker respectively of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the Legislative Assembly of the successor State of Chhattisgarh shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of the Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

Rules of
procedure.

16. The rules of procedure and conduct of business of the Legislative Assembly of Madhya Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of the State of Chhattisgarh, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

Delimitation of constituencies

Delimitation of
constituencies.

17. (1) For the purpose of giving effect to the provisions of section 12, the Election Commission shall determine in the manner hereinafter provided—

(a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States of Madhya Pradesh and Chhattisgarh, respectively having regard to the relevant provisions of the Constitution;

(b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and

(c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each State referred to in clause (a) that may be necessary or expedient.

(2) In determining the matters referred to in clauses (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions, namely:—

(a) all the constituencies shall be single-member constituencies;

(b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and

(c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may, by order specify, being persons who are members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled as far as practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified; and

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

(7) The delimitation of constituencies in the States of Madhya Pradesh and Chhattisgarh shall be determined on the basis of the published figures of the census taken in the year 1971.

18. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistakes in any order made under section 17 or any error arising therein from inadvertent slip or omission; and

(b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Power of the
Election
Commission
to maintain
Delimitation
Orders up-to-
date.

Scheduled Castes and Scheduled Tribes

Amendment of
the Scheduled
Castes Order.

19. On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Third Schedule.

Amendment of
the Scheduled
Tribes Order.

20. On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Fourth Schedule.

PART IV

HIGH COURT

High Court of
Chhattisgarh.

21. (1) As from the appointed day, there shall be a separate High Court for the State of Chhattisgarh (hereinafter referred to as "the High Court of Chhattisgarh") and the High Court of Madhya Pradesh shall become the High Court for the State of Madhya Pradesh (hereinafter referred to as the High Court of Madhya Pradesh).

(2) The principal seat of High Court of Chhattisgarh shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Chhattisgarh may sit at such other place or places in the State of Chhattisgarh other than its principal seat as the Chief Justice may, with the approval of the Governor of Chhattisgarh, appoint.

Judges of
Chhattisgarh
High Court.

22. (1) Such of the Judges of the High Court of Madhya Pradesh holding office immediately before the appointed day as may be determined by the President shall on that day cease to be Judges of the High Court of Madhya Pradesh and become Judges of the High Court of Chhattisgarh.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Chhattisgarh shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court of Madhya Pradesh.

Jurisdiction of
Chhattisgarh
High Court.

23. The High Court of Chhattisgarh shall have, in respect of any part of the territories included in the State of Chhattisgarh, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect to that part of the said territories by the High Court of Madhya Pradesh.

Special
provision
relating to Bar
Council and
advocates.

24. (1) On and from the appointed day, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), for the words "and Madhya Pradesh", the words "Madhya Pradesh and Chhattisgarh" shall be substituted.

25 of 1961.

(2) Any person who immediately before the appointed day is an advocate on the roll of the Bar Council of the existing State of Madhya Pradesh may give his option in writing, within one year from the appointed day to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Chhattisgarh and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Chhattisgarh with effect from the date of the option so given for the purposes of the Advocates Act, 1961 and the rules made thereunder.

25 of 1961.

(3) The persons other than the advocates who are entitled immediately before the appointed day, to practise in the High Court of Madhya Pradesh or any subordinate court thereof shall, on and after the appointed day, be recognised as such persons entitled also to practise in the High Court of Chhattisgarh or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Chhattisgarh shall be regulated in accordance with the like principles as immediately before the appointed day are in force with respect to the right of audience in the High Court of Madhya Pradesh.

25. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Madhya Pradesh shall, with the necessary modifications, apply in relation to the High Court of Chhattisgarh, and accordingly, the High Court of Chhattisgarh shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court of Madhya Pradesh:

Practice and procedure in Chhattisgarh High Court.

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court of Madhya Pradesh shall, until varied or revoked by rules or orders made by the High Court of Chhattisgarh, apply with the necessary modifications in relation to practice and procedure in the High Court of Chhattisgarh as if made by that Court.

26. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court of Madhya Pradesh shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Chhattisgarh.

Custody of seal of Chhattisgarh High Court.

27. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Madhya Pradesh shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Chhattisgarh.

Form of writs and other processes.

28. The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judge and division courts of the High Court of Madhya Pradesh and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Chhattisgarh.

Powers of Judges.

29. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Madhya Pradesh and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Chhattisgarh.

Procedure as to appeals to Supreme Court.

30. (1) Except as hereinafter provided, the High Court of Madhya Pradesh shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court of Madhya Pradesh immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Chhattisgarh shall, as soon as may be after such certification, be transferred to the High Court of Chhattisgarh.

Transfer of proceedings from Madhya Pradesh High Court to Chhattisgarh High Court.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 23, but save as hereinafter provided, the High Court of Madhya Pradesh shall have, and the High Court of Chhattisgarh shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Madhya Pradesh before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court of Madhya Pradesh, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Chhattisgarh, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court of Madhya Pradesh—

(a) before the appointed day, in any proceedings transferred to the High Court of Chhattisgarh by virtue of sub-section (2); or

(b) in any proceedings with respect to which the High Court of Madhya Pradesh retains jurisdiction by virtue of sub-section (3),

shall for all purposes have effect, not only as an order of the High Court of Madhya Pradesh, but also as an order made by the High Court of Chhattisgarh.

Right to appear or to act in proceedings transferred to Chhattisgarh High Court.

31. Any person, who, immediately before the appointed day, is an advocate entitled to practise or any other persons entitled to practise in the High Court of Madhya Pradesh and was authorised to appear in any proceedings transferred from that High Court to the High Court of Chhattisgarh under section 30, shall have the right to appear in the High Court of Chhattisgarh in relation to those proceedings.

Interpretation.

32. For the purposes of section 30—

(a) proceedings shall be deemed to be pending in a Court until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a Court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that Court or Judge.

Saving.

33. Nothing in this Part shall affect the application to the High Court of Chhattisgarh of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

Authorisation of expenditure of Chhattisgarh State.

34. The Governor of Madhya Pradesh may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Chhattisgarh as he deems necessary for any period not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Chhattisgarh:

Provided that the Governor of Chhattisgarh may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Chhattisgarh for any period not extending beyond the said period of six months.

Reports relating to accounts of Madhya Pradesh State.

35. (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the State of Madhya Pradesh in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor States of Madhya Pradesh and Chhattisgarh who shall cause them to be laid before the Legislature of that State.

(2) The President may by order—

(a) declare any expenditure incurred out of the Consolidated Fund of Madhya Pradesh on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and

(b) provide for any action to be taken on any matter arising out of the said reports.

Distribution of Revenue.

36. The President shall, by order, determine the share of the States of Madhya Pradesh and Chhattisgarh in the total amount payable to the existing State of Madhya Pradesh on the recommendation of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

37. (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the State of Madhya Pradesh immediately before the appointed day.

Application of Part.

(2) The successor State shall be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Madhya Pradesh.

(3) The apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by the Central Government on the advice of the Comptroller and Auditor-General of India.

38. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Madhya Pradesh shall,—

Land and goods.

(a) if within the transferred territory, pass to the State of Chhattisgarh; or

(b) in any other case, remain the property of the State of Madhya Pradesh:

Provided that any land, stores, articles or other goods may be distributed otherwise than in accordance with the situation of such land, stores, articles or goods by mutual agreement between the successor States, failing which the Central Government may, on the request of any of the Governments of the successor States and after consulting both the Governments of the successor States, issue directions for the just and equitable distribution of such land, stores, articles or goods between the successor States and the land, stores, articles or goods shall accordingly pass to the successor States:

Provided further that in case of the distribution, of any land, stores, articles and goods or class of goods under this sub-section located outside the existing State of Madhya Pradesh, such distribution shall be made through mutual agreement arrived at between the Governments of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the successor States, after consulting both the Governments of the successor States, issue such direction as it may deem fit for the distribution of such land, stores, articles and goods or class of goods, as the case may be, under this sub-section.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Madhya Pradesh shall be divided between the successor States in accordance with the mutual agreement arrived at between the Government of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the successor States, after consulting both the Governments of the successor States, issue such direction as it may deem fit for the distribution of such stores or any part of such stores, as the case may be.

(4) Any other unissued stores of any class in the existing State of Madhya Pradesh shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years prior to the appointed day, for the territories of the existing State of Madhya Pradesh included respectively in each of the successor States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

Treasury and
bank balances.

39. The total of the cash balances in all treasuries of the State of Madhya Pradesh and the credit balances of the State with Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Madhya Pradesh and Chhattisgarh according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Chhattisgarh has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

Assess of
taxes.

40. The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

Right to
recover loans
and advances.

41. (1) The right of the State of Madhya Pradesh to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

(2) The right of the State of Madhya Pradesh to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Madhya Pradesh:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Madhya Pradesh and Chhattisgarh according to the population ratio.

Investments
and credits in
certain funds.

42. (1) The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Madhya Pradesh as specified in the Fifth Schedule to this Act shall be apportioned in the ratio of population of the successor States:

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Madhya Pradesh shall be divided in the ratio of the area of the territories occupied by the successor States :

Provided further that the balance in the Reserve Funds in the Public Account of Madhya Pradesh created wholly out of appropriations from the Consolidated Fund of the existing State of Madhya Pradesh, to the extent the balances have not been invested outside Government account, shall not be carried forward to similar Reserve Funds in the Public Account of, successor States:

Provided also that the balances in any other Reserve Funds, excluding those specified in sub-section (2), shall be allocated between the States of Madhya Pradesh and Chhattisgarh in the ratio of population of those States.

(2) The investments of the State of Madhya Pradesh immediately before the appointed day in any special fund the objects of which are confined to a local area shall belong to the State in which that area is included on the appointed day.

(3) The investments of the State of Madhya Pradesh immediately before the appointed day in any private, commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the cash balance investment account, shall pass to the State in which the principal seat of business of the undertaking is located.

(4) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the State of Madhya Pradesh or any part thereof has, by virtue of the provisions of Part II of this Act, become an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the existing State of Madhya Pradesh made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the States of Madhya Pradesh and Chhattisgarh in the same proportion in which the assets of the body corporate are divided under the provisions of this Part.

43. (1) The assets and liabilities relating to any undertaking of the existing State of Madhya Pradesh whether directly owned or through a body corporate constituted or incorporated or registered under any Central, State or Provincial Act, shall,—

Assets and
liabilities of
State
undertaking.

(a) if exclusively located in a successor State, pass to the successor State, and where a depreciation reserve is maintained by the existing State of Madhya Pradesh for such undertaking, the securities held in respect of investment made from that fund shall also pass to such successor State;

(b) where any such undertaking or part thereof is located, in more than one successor State, the assets, liabilities and securities shall be divided in such manner as may be agreed upon between the successor States within a period of two years from the appointed day or in failure of such agreement as the Central Government may by order direct.

(2) An agreement entered into between the successor States, or order made by the Central Government under sub-section (1) may provide for the dissolution of the undertaking or transfer or re-employment of any employee of the undertaking to or by the successor States, subject to the provisions of section 62.

(3) An agreement entered into between the successor States, or order made by the Central Government under sub-section (1) may also provide for the transfer of the assets and liabilities which would otherwise have passed to a successor State to any other undertaking of that successor State; and any employee of the undertaking referred to in sub-section (1), who would otherwise have been transferred to or re-employed by a successor State, may be transferred to or be re-employed by such undertaking instead of that successor State.

44. (1) All liabilities on account of Public Debt and Public Account of the existing State of Madhya Pradesh outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

Public Debt.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Madhya Pradesh shall continue to be the liabilities of the successor State of Madhya Pradesh.

(3) The liability on account of loans raised from any source and re-lent by the existing State of Madhya Pradesh to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The Public Debt of the existing State of Madhya Pradesh attributable to loan taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall—

(a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or

(b) if re-lent to the Madhya Pradesh State Electricity Board, the Madhya

Pradesh State Road Transport Corporation, or the Madhya Pradesh Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the States of Madhya Pradesh and Chhattisgarh in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII of this Act.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Madhya Pradesh for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Madhya Pradesh and Chhattisgarh in the same proportion in which the total public debt is divided between the two States under this section.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944.

Floating loans. 45. All liabilities of the existing State of Madhya Pradesh of any floating loan to provide short term finance to any local body, body corporate or other institution shall be determined by mutual agreement between the successor States, failing which the Central Government shall determine such liability between the successor States in consultation with such States.

Refund of taxes collected in excess. 46. The liability of the existing State of Madhya Pradesh to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Madhya Pradesh to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

Deposits, etc. 47. (1) The liability of the existing State of Madhya Pradesh in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made.

(2) The liability of the existing State of Madhya Pradesh in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment, under the terms thereof, are confined.

Provident fund. 48. The liability of the existing State of Madhya Pradesh in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted.

Pensions. 49. The liability of the existing State of Madhya Pradesh in respect of pensions shall pass to, or be apportioned between the successor States of Madhya Pradesh and Chhattisgarh in accordance with the provisions contained in the Sixth Schedule to this Act.

Contracts. 50. (1) Where, before the appointed day, the existing State of Madhya Pradesh has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

(a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Madhya Pradesh and Chhattisgarh, then, of that State; or

(b) in any other case, of the State of Madhya Pradesh,

all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Madhya Pradesh, be rights or liabilities of the State of Chhattisgarh or the State of Madhya Pradesh, as the case may be:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the successor States of Madhya Pradesh and Chhattisgarh

or in default of such agreement, as the Central Government may by order direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

51. Where, immediately before the appointed day, the existing State of Madhya Pradesh is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

Liability in respect of actionable wrong.

(a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Madhya Pradesh or Chhattisgarh, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Madhya Pradesh, but subject to such financial adjustment as may be agreed upon between the States of Madhya Pradesh and Chhattisgarh or, in default of such agreement, as the Central Government may by order direct.

52. Where, immediately before the appointed day, the existing State of Madhya Pradesh is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Madhya Pradesh shall—

Liability as guarantor.

(a) if the area of operations of such society or persons is limited to the territories which, as from that day, are the territories of either of the States of Madhya Pradesh or Chhattisgarh, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Madhya Pradesh, subject to such financial adjustment as may be agreed upon between the States of Madhya Pradesh and Chhattisgarh or, in default of such agreements, as the Central Government may by order direct.

53. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Items in suspense.

54. The benefit or burden of any asset or liability of the existing State of Madhya Pradesh not dealt with in the foregoing provisions of this Part shall pass to the State of Madhya Pradesh in the first instance, subject to such financial adjustment as may be agreed upon between the States of Madhya Pradesh and Chhattisgarh or, in default of such agreement, as the Central Government may by order direct.

Residuary provision.

55. Where the successor States of Madhya Pradesh and Chhattisgarh agree that the asset, liability or benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the assets, liability or benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Apportionment of assets or liabilities by agreement.

56. Where, by virtue of any of the provisions of this Part, any of the successor States of Madhya Pradesh and Chhattisgarh becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that property or those benefits should be transferred

Power of Central Government to order allocation or adjustment in certain cases.

to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

Certain expenditure to be charged on Consolidated Fund.

57. All sums payable either by the State of Madhya Pradesh or by the State of Chhattisgarh to the other States or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

Provisions as to Madhya Pradesh State Electricity Board, State Road Transport Corporation and State Warehousing Corporation, etc.

58. (1) The following bodies corporate constituted for the existing State of Madhya Pradesh, namely:—

(a) the State Electricity Board constituted under the Electricity Supply Act, 1948;

54 of 1948.

(b) the State Road Transport Corporation established under the Road Transport Corporations Act, 1950; and

64 of 1950.

(c) the State Warehousing Corporation established under the Warehousing Corporations Act, 1962,

58 of 1962.

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section and arrangements for the functioning of such body corporates as may be mutually agreed upon between the successor States failing which to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Board or the Corporation shall include a direction that the Act under which the Board or the Corporation was constituted shall, in its application to that Board or Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Board or the Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on such date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States of Madhya Pradesh and Chhattisgarh in such manner as may be agreed upon between them within one year of the dissolution of the Board or the Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may by order determine:

Provided that any liabilities of the said Board relating to the unpaid dues of the coal supplied to the Board by any public sector coal company shall be provisionally apportioned between the successor organisations constituted respectively in the successor States of the existing State of Madhya Pradesh or after the date appointed for the dissolution of the Board under this sub-section in such manner as may be agreed upon between the Governments of the successor States within one month of such dissolution or if no agreement is reached, in such manner as the Central Government may by order determine subject to reconciliation and finalisation of the liabilities which shall be completed within three months from the date of such dissolution by the mutual agreement between the successor States or failing such agreement by the direction of the Central Government:

Provided further that an interest at the rate of two per cent. higher than the Cash Credit interest shall be paid on outstanding unpaid dues of the coal supplied to the Board by the public sector coal company till the liquidation of such dues by the concerned successor organisations constituted in the successor States on or after the date appointed for the dissolution of the Board under this sub-section.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Madhya Pradesh or, as the case may be, the Government of the State of Chhattisgarh from constituting, at any time on or after the appointed day, a State Electricity Board or a State Road Transport Corporation or a State Warehousing Corporation for the State under the provisions of the Act relating to such Board or Corporation; and if such a Board or Corporation is so constituted in either of the States before the dissolution of the Board or the Corporation referred to in sub-section (1),—

(a) provision may be made by order of the Central Government enabling the new Board or the new Corporation to take over from the existing Board or Corporation all or any of its undertakings, assets, rights and liabilities in that State, and

(b) upon the dissolution of existing Board or Corporation,—

(i) any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board or the new Corporation instead of to that State;

(ii) any employee who would otherwise have been transferred to or re-employed by that State under sub-section (3), read with clause (i) of sub-section (5), shall be transferred to or re-employed by the new Board or the new Corporation instead of to or by that State.

(5) An agreement entered into between the successor States under sub-section (3) and an order made by the Central Government under that sub-section or under clause (a) of sub-section (4) may provide for the transfer or re-employment of any employee of the Board or the Corporation referred to in sub-section (1),—

(i) to or by the successor States, in the case of an agreement under sub-section (4) or an order made under that sub-section;

(ii) to or by the new Board or the new Corporation constituted under sub-section (4), in the case of an order made under clause (a) of that sub-section,

and, subject to the provisions of section 64, also for the terms and conditions of service applicable to such employees after such transfer or re-employment.

59. (1) The Madhya Pradesh State Financial Corporation established under the State Financial Corporation Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may from time to time, be issued by the Central Government after consultation with the Governments of the successor States.

Provisions as to Madhya Pradesh State Financial Corporation.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall,

notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court of Madhya Pradesh as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Madhya Pradesh and Chhattisgarh from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporation Act, 1951.

63 of 1951.

Provisions as
to certain
companies.

60. (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the companies specified in the Seventh Schedule to this Act shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day; and the Central Government may, after consultation with the governments of the successor States, from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law.

1 of 1956.

(2) Any directions issued under sub-section (1), in respect of a company referred to in that sub-section, may include directions—

(a) regarding the division of the interests and shares of existing State of Madhya Pradesh among the successor States;

(b) requiring the reconstitution of the Board of Directors of the company so as to give adequate representation to both the successor States.

Functioning of
organisation,
registered
society or trust
incorporated
on behalf of
State
Government.

61. (1) Notwithstanding anything contained in the foregoing provisions of this Part or any other law for the time being in force, any organisation, registered society or trust, incorporated at the behest of the State Government, shall, on and from the appointed day, and until otherwise provided for in any law for the time being in force, or in any agreement between the successor States, or in any direction issued by the Central Government in consultation with the successor States, continue to function in the areas in which it was functioning immediately before that day, and the Central Government may, after consulting the Governments of the successor States, issue directions in relation to such functioning.

(2) Any directions issued under sub-section (1) may include directions regarding the—

(i) reconstitution of the Board of Directors of the organisation, society or trust by whatever name it may be called; or

(ii) appointment of the Chief Executive by whatever name it may be called; or

(iii) regulations or bye laws, by whatever name they may be called; or

(iv) assessment and apportionment of financial support, if any, provided by the existing State of Madhya Pradesh for meeting fixed charges.

General
provisions as
to statutory
corporations.

62. (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Madhya Pradesh or any part thereof has, by virtue of the provisions of Part II of this Act, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, after consultation with the governments of the successor States, until other provision is made by law in respect of the said body corporate.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

59 of 1988. 63. (1) Notwithstanding anything contained in section 88 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Madhya Pradesh or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of Chhattisgarh or any Regional Transport Authority therein for the purpose of validating it for use in such area:

Temporary provisions as to continuance of certain existing road transport permits.

Provided that the Central Government may, after consultation with the successor State Government or Governments concerned add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be.

14 of 1947. 64. Where on account of the reorganisation of the existing State of Madhya Pradesh under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then notwithstanding anything contained in section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Special provisions relating to retrenchment compensation in certain cases.

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;

14 of 1947. (b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman is transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, section 25FF or section 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

43 of 1961. 65. Where the assets, rights and liabilities of any body corporate carrying on any business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be

Special provisions as to income-tax.

dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

Continuance of facilities in certain State institutions.

66. (1) The Government of State of Madhya Pradesh or Chhattisgarh, as the case may be, shall, in respect of the institutions specified in the Eighth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments within a period of one year from the appointed day or if no agreement is reached within the said period of one year, then, as may be fixed by order of the Central Government.

(2) The Central Government may, at any time within a period of one year from the appointed day, by notification in the Official Gazette, specify in the Eighth Schedule any other institution existing on the appointed day in the States of Madhya Pradesh and Chhattisgarh and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

Provisions relating to All-India Services.

67. (1) In this section, the expression "State Cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954.

(c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Madhya Pradesh, there shall, on and from the appointed day, be two separate cadres, one for the State of Madhya Pradesh and the other for the State of Chhattisgarh in respect of each of these services.

(3) The initial strength and composition of the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said service borne on the Madhya Pradesh cadre thereof immediately before the appointed day shall be allocated to the State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Service Act, 1951, or the rules made thereunder.

61 of 1951.

Provisions relating to services in Madhya Pradesh and Chhattisgarh.

68. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Madhya Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Madhya Pradesh unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Chhattisgarh:

Provided that no direction shall be issued under this section after the expiry of a period of one year from the appointed day.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

69. (1) Nothing in this section or section 66 shall be deemed to affect on or after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provisions relating to other services.

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Madhya Pradesh or to the State of Chhattisgarh under section 66 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person—

(a) if he is deemed to have been allocated to any State under section 66, shall be deemed to have been rendered in connection with the affairs of that State;

(b) if he is deemed to have been allocated to the Union in connection with the administration of the Chhattisgarh shall be deemed to have been rendered in connection with the affairs of the Union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 68, shall not apply in relation to members of any All India Service.

70. (1) Every person who, immediately before the appointed day is holding or discharging duties of any post or office in connection with the affairs of the existing State of Madhya Pradesh in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or any other appropriate authority in, that successor State:

Provisions as to continuance of officers in same post.

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

71. The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

Advisory Committees.

(a) the discharge of any of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

72. The Central Government may, give such directions to the State Government of Madhya Pradesh and the State Government of Chhattisgarh as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Governments shall comply with such directions.

Power of Central Government to give directions.

73. (1) The Public Service Commission for the existing State of Madhya Pradesh shall, on and from the appointed day, be the Public Service Commission for the State of Madhya Pradesh.

Provisions as to State Public Service Commission.

(2) The persons holding office immediately before the appointed day as Chairman or other member of the Public Service Commission for the existing State of Madhya Pradesh shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the Public Service Commission for the State of Madhya Pradesh.

(3) Every person who becomes Chairman or other member of the Public Service Commission for the State of Madhya Pradesh on the appointed day under sub-section (2), shall—

(a) be entitled to receive from the Government of the State of Madhya Pradesh conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Madhya Pradesh Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Madhya Pradesh and Chhattisgarh, and the Governor of the State of Madhya Pradesh shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Madhya Pradesh and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Chhattisgarh.

Jurisdiction of
the
Commissions,
Authorities
and Tribunals.

74. (1) Notwithstanding anything contained in any law for the time being in force, every Commission, Authority, Tribunal, University, Board or any other body constituted under a Central Act, State Act or Provincial Act and having jurisdiction over the existing State of Madhya Pradesh shall on and from the appointed day continue to function in the successor State of Madhya Pradesh and also exercise jurisdiction as existed before the appointed day over the State of Chhattisgarh for a maximum period of two years from the appointed day or till such period as is decided by mutual agreement between the successor States—

(i) to continue such body as a joint body for the successor States; or

(ii) to abolish it, on the expiry of that period, for either of the successor States; or

(iii) to constitute a separate Commission, Authority, Tribunal, University, Board or any other body, as the case may be, for the State of Chhattisgarh, whichever is earlier.

(2) No suit or other legal proceeding shall be instituted, in case such body is abolished under clause (ii) of sub-section (1), by any employee of such body against the termination of his appointment or for the enforcement of any service conditions or for securing absorption in alternative public employment against the Central Government or any of the successor States.

(3) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any court or Tribunal or contract or agreement, any Chairman or member of any body abolished under clause (ii) of sub-section (1) shall not be entitled to any compensation for the unexpired period of his tenure.

(4) Notwithstanding anything contained in this section or any law for the time being in force, the Central Government shall, in accordance with any mutual agreement between the successor States or if there is no such agreement, after consultation with the Governments of the successor States, issue directions for the resolution of any matter relating to any body referred to in sub-section (1) and falling within the jurisdiction of any of the successor States within any period referred to in sub-section (1).

PART IX

MANAGEMENT AND DEVELOPMENT OF POWER AND WATER RESOURCES

Management
of power and
water supply in
certain cases.

75. (1) Where it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be, modified to the disadvantage of that area by reason of the formation of successor States, the Central Government may, after consultation with the successor States, give such directions to the State Government or other authority responsible for the maintenance, so far as practicable, of such arrangement before the appointed day.

(2) The Central Government shall within a period of three months from the appointed day, by order, also determine the share of the successor States in the entitlement of the existing State of Madhya Pradesh to power produced by the Central Government undertakings having due regard to the likely disadvantage which might have been occasioned to any successor State as a result of modified arrangements for generation and supply of electric power.

76. (1) The Central Government may, as and when it considers necessary, constitute an inter-State River Water Board, after consultation with the successor States, for the planning and development of inter-State rivers and river valleys.

Inter-State
River Water
Board.

(2) The Inter-State River Board constituted under sub-section (1) may be entrusted with the following functions, namely:—

(a) to examine the requirement of funds for various projects according to the programmes laid down for such projects and to advise regarding the apportionment of the expenditure to the State participating to implement such programmes keeping in view the agreement on the sharing of costs;

(b) to decide the sharing and withdrawal of water from the reservoirs for irrigation, power and other purposes with a view to securing better use of available water;

(c) to determine the programmes of re-settlement of displaced persons as a result of the projects; and

(d) to approve and supervise the planning, survey and investigation, preparation of project reports and construction of joint inter-State projects and their subsequent operation and maintenance.

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

77. On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (b), for the words "Uttar Pradesh and Madhya Pradesh", the words "Uttar Pradesh, Madhya Pradesh and Chhattisgarh" shall be substituted.

Amendment of
Act 37 of
1956.

78. The provisions of Part II of this Act shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Madhya Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be constituted as meaning the territories within the existing State of Madhya Pradesh before the appointed day.

Territorial
extent of laws.

79. For the purpose of facilitating the application in relation to the State of Madhya Pradesh or Chhattisgarh of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority.

Power to adapt
laws.

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

80. Notwithstanding that no provision or insufficient provision has been made under section 79 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Madhya Pradesh or Chhattisgarh, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to
construe laws.

Power to name authorities, etc., for exercising statutory functions.

81. The Government of the State of Chhattisgarh, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Legal proceedings.

82. Where immediately before the appointed day, the existing State of Madhya Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the States of Madhya Pradesh and Chhattisgarh under this Act, the State of Madhya Pradesh or Chhattisgarh which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Madhya Pradesh or added as a party to those proceedings, and the proceedings may continue accordingly.

Transfer of pending proceedings.

83. (1) Every proceeding pending immediately before the appointed day before a court (including High Court), tribunal, authority or officer in any area which on that day falls within the State of Madhya Pradesh shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of Chhattisgarh State, stand transferred to the corresponding court, tribunal, authority or officer of the State of Chhattisgarh.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court of the State of Madhya Pradesh and the decision of that High Court shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in the State of Chhattisgarh means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority, or officer in the State of Chhattisgarh, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Madhya Pradesh to be the corresponding court, tribunal, authority or officer.

Right of pleaders to practise in certain cases.

84. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Madhya Pradesh shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Chhattisgarh.

Effect of provisions of the Act inconsistent with other laws.

85. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove difficulties.

86. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid, before each House of Parliament.

THE FIRST SCHEDULE*(See section 8)*

(1) Of the five sitting members whose term of office will expire on the 9th day of April, 2002, namely Shri Lakkhiram Agrawal, Shri Surendra Kumar Singh, Shri Sikandar Bakht, Shri Suresh Pachouri and Shri Abdul Gayur Qureshi; Shri Lakkhiram Agrawal and Shri Surendra Kumar Singh shall be deemed to have been elected to fill two of the seats allotted to the State of Chhattisgarh and other three sitting members shall be deemed to have been elected to fill three of the seats allotted to the State of Madhya Pradesh.

(2) Of the five sitting members whose term of office will expire on the 30th day of June, 2004, namely Shri O. Rajagopal, Shri Dilip Kumar Judev, Shri Jhumuklal Bhendia, Shri Balkavi Bairagi and Smt. Mabel Rebello, such one as the Chairman of the Council of States may determine by drawing lot from Shri Dilip Kumar Judev and Shri Jhumuklal Bhendia shall be deemed to have been elected to fill one of the seats allotted to the State of Chhattisgarh and other four sitting members shall be deemed to have been elected to fill four of the seats allotted to the State of Madhya Pradesh.

(3) Of the six members whose term of office will expire on the 2nd day of April, 2006, namely, Shri Arjun Singh, Shri Kailash Chandra, Shri Bhagatram, Shri Hansraj Bhardwaj, Shri P.K. Maheshwari and Shri Vikram Singh, such two members, as the Chairman of the Council of States may determine by drawing lots, shall be deemed to have been elected to fill the two seats allotted to the State of Chhattisgarh and other four members shall be deemed to have been elected to fill the four seats allotted to the State of Madhya Pradesh.

THE SECOND SCHEDULE

(See section 10)

1. AMENDMENTS TO THE DELIMITATION OF PARLIAMENTARY AND
ASSEMBLY CONSTITUENCIES ORDER, 1976

In the Delimitation of Parliamentary and Assembly Constituencies Order, 1976,—

1. in Schedule XII,—

(i) In PART-A—Parliamentary Constituencies—

(a) serial number 12 to 22 (both inclusive) and entries relating thereto shall be omitted;

(b) in serial number 10, the following figures, words, brackets and letters shall be omitted, namely:—

“87-Manendragarh (ST)” and : “88—Baikunthpur”.

(ii) In PART-B—Assembly Constituencies, serial numbers 87 to 176 (both inclusive) and entries relating thereto shall be omitted.

2. after Schedule XII, the following Schedule shall be inserted, namely:—

“SCHEDULE XIIA
CHHATTISGARH

PART A.—PARLIAMENTARY CONSTITUENCIES

Serial No.	Name and extent of constituency
(1)	(2)
1.	Surguja (ST) —2- Baikunthpur, 3-Premnagar (ST), 4-Surajpur (ST), 5-Pal (ST), 6-Samri (ST), 7-Lundra (ST), 8-Pilkha (ST), 9-Ambikapur (ST) and 10-Sitapur (ST).
2.	Raigarh (ST) —11. Bagicha (ST), 12-Jashpur (ST), 13-Tapkara (ST), 14-Pathalgaon (ST), 15-Dharamjaigarh (ST), 16-Lailunga (ST), 17-Raigarh and 18-Kharsia.
3.	Janjgir —21-Rampur (ST), 22-Katghora, 23-Tanakhar (ST), 32-Mastuiri (SC), 33-Sipat, 34-Akaltara, 36-Champa and 37-Sakti.
4.	Bilaspur (SC) —1-Manendragarh (ST), 24-Marwahi (ST), 25-Kota, 26-Lormi, 27-Mungeli (SC), 28-Jarhagaon (SC), 29-Takhatpur, 30-Bilaspur and 31-Bilha.
5.	Sarangarh (SC) —19-Saria, 20-Sarangarh (SC), 35. Pamgarh, 38. Malkharoda (SC), 39. Chandrapur, 48. Pallari (SC), 49. Kasdol and 50. Bhatgaon (SC).
6.	Raipur —40-Raipur Town, 41. Raipur Rural, 42. Abhanpur, 43. Mandirhasod, 44. Arang (SC), 45. Dharsiwa, 46. Bhatapara and 47. Baloda Bazar.
7.	Mahasamund —53. Saraipali, 54. Basna, 55. Khallari, 56. Mahasamund, 51. Rajim, 52. Bindranawagarh (ST), 58. Kurud and 59. Dhamtari.
8.	Kanker (ST) —57-Sihawa (ST), 60, Bhanupratappur (ST), 61, Kanker (ST), 63, Keskala (ST), 62. Narayanpur (ST), 79-Gunderdehi, 81. Balod and 82. Dondi Lohara (ST).

Serial No.	Name and extent of constituency
(1)	(2)
9.	Bastar (ST) —64-Kondagaon (ST), 65. Bhanpuri (ST), 66. Jagdalpur (ST), 67. Keshur (ST), 68. Chitrakote (ST), 69. Dentewara (ST), 70. Konta (ST) and 71. Bijapur (ST).
10.	Durg —72—Maro (SC), 73. Bemetara, 74. Saja, 75. Dhamdha, 76. Durg, 77. Bhilai, 78. Patan and 80. Khertha.
11.	Rajnandgaon —83—Chowki (ST), 84. Khujji, 85. Dongargaon, 86. Rajnandgaon, 87. Dongargarh (SC), 88. Khairgarh, 89. Birendranagar and 90. Kawardha.

PART B.—ASSEMBLY CONSTITUENCIES

KORIA DISTRICT

1. **Manendragarh (ST)**—Bharatpur tahsil and Manendragarh tahsil (excluding P.C. 15 in Khadgawan RIC) and the forest villages in the area.
2. **Baikunthpur**—Baikunthpur tahsil and the forest villages in the area and P.C. 15 in Khadgawan RIC in Manendragarh tahsil.

SURGUJA DISTRICT

3. **Premnagar (ST)**—Premnagar RIC and Ramanujnagar RIC (excluding P.Cs. 73 to 80) in Surajpur tahsil and Udaipur RIC and P.Cs. 55, 57, 58 and 65 in Lakhanpur RIC in Ambikapur tahsil and the forest villages in the area.
4. **Surajpur (ST)**—Surajpur and Bhaiyathan RICs and P.Cs. 73 to 80 in Ramanujanagar RIC and Chandramedha RIC (excluding P.Cs. 17 to 26) in Surajpur tahsil.
5. **Pal (ST)**—Basantpur, Ramchandrapur and Chailgali RICs and Ramanujanj Town and P.Cs. 32 to 34A and 34B in Balrampur RIC in Pal tahsil.
6. **Samri (ST)**—Samri tahsil and the forest villages in the area, and Balrampur RIC (excluding Ramanujanj Town and P.Cs. 32 to 34A and 34B) in Pal tahsil.
7. **Lundra (ST)**—Lundra and Raipur RICs in Ambikapur tahsil and the forest villages in the area and P.Cs. 39 to 42 in Pratappur RIC in Surajpur tahsil.
8. **Pilkha (ST)**—Pilkha RIC, Pratappur (excluding P.Cs. 39 to 42), and P.Cs. 17 to 26 in Chandramedha RIC in Surajpur tahsil and the forest villages in the area.
9. **Ambikapur (ST)**—Ambikapur-I and Ambikapur-II RICs. and Lakhanpur RIC (excluding P.Cs. 55, 57, 58 and 65) in Ambikapur tahsil and the forest villages in the area.
10. **Sitapur (ST)**—Sitapur and Batauli RICs in Ambikapur tahsil.

JASHPUR DISTRICT

11. **Bagicha (ST)**—Bagicha and Sanna RICs in Jashpur tahsil and the forest villages in the area.
12. **Jashpur (ST)**—Jashpur and Kastura RICs and P.Cs 78 to 82 and 98 in Kunkuri RIC in Jashpur tahsil and the forest villages in the area.
13. **Tapkara (ST)**—Tapkara RIC and Kunkuri RIC (excluding P.Cs. 78 to 82 and 98) in Jashpur tahsil and the forest villages in the area.

Serial No.	Name and extent of constituency
(1)	(2)

14. **Pathalgaon (ST)**— Pathalgaon RIC and Kapu RIC (excluding P.Cs. 1 to 6 and 36) in Udaipur (Dharamjaigarh) tahsil.

RAIGARH DISTRICT

15. **Dharamjaigarh (ST)**— Dharamjaigarh RIC and P.Cs. 1 to 6 and 36 in Kapu RIC in Udaipur (Dharamjaigarh) tahsil and Gharghoda RIC in Gharghoda tahsil and the forest villages in the area.
16. **Lailunga (ST)**— Lailunga and Tamnar RICs in Gharghoda tahsil and the forest villages in the area.
17. **Raigarh**—Raigarh-I and Raigarh-II RICs and P.Cs. 44 to 52 in Pussour RIC in Raigarh tahsil.
18. **Kharsia**—Kharsia and Bhupdeopur RICs in Raigarh tahsil.
19. **Saria**—Pussour RIC (excluding P.Cs. 44 to 52) in Raigarh tahsil and Saria and Baramkela RICs in Sarangarh tahsil and the forest villages in the area.
20. **Sarangarh (ST)**—Sarangarh and Hardi RICs in Sarangarh tahsil and the forest villages in the area.

KORBA DISTRICT

21. **Rampur (ST)**— Korba RIC (excluding Korba Town and P.C. 21) Rampur RIC (excluding P.Cs. 73 to 80) and P.Cs. 14, 20, 22 and 30 in Tanakhar RIC in Katghora tahsil.
22. **Katghora**—Korba Town and P.C. 21 in Korba RIC, Katghora RIC and Pali RIC (excluding P.Cs. 34 and 36 to 46) in Katghora tahsil.
23. **Tanakhar (ST)**— Pasan RIC, Tanakhar RIC (excluding P.Cs. 14, 20, 22 and 30) and P.Cs. 34 and 36 to 46 in Pali RIC in Katghora tahsil.

BILASPUR DISTRICT

24. **Marwahi (ST)**—Marwahi RIC, Gaurella RIC (excluding P.Cs. 26 to 28) and P.Cs. 31 to 33 and 37 in Kota RIC in Bilaspur tahsil.
25. **Kota**—P.Cs. 26 to 28 in Gaurella RIC, Kota RIC (excluding P.Cs. 31 to 33 and 37) and P.Cs. 64 to 67 in Ghutku-I RIC in Bilaspur tahsil and the forest villages in the area.
26. **Lormi**— Lormi RIC (excluding P.Cs. 12 to 14, 17, 35 and 36) and Pandaria RIC in Mungeli tahsil and the forest villages in the area.
27. **Mungeli (ST)**—Mungeli and Kunda RICs and P.Cs. 17, 35 and 36 in Lormi RIC in Mungeli tahsil.
28. **Jarhagaon (SC)**—P.Cs. 12 to 14 in Lormi RIC, and Jarhagaon RIC and Patharia RIC (excluding P.Cs. 84 to 91) in Mungeli tahsil.
29. **Takhatpur**—Takhatpur RIC, Ghutku-II RIC (excluding P.C. 96) and Ghutku-I RIC (excluding P.Cs. 64 to 67, 78 to 80, 97 and 98) in Bilaspur tahsil.
30. **Bilaspur**—Bilaspur Town including Railway Colony and P.Cs. 109, 110-A and 110-B in Bilaspur RIC in Bilaspur tahsil.
31. **Bilha**—Bilha RIC and P.Cs. 94, 95, 112 and 117 in Bilaspur RIC in Bilaspur tahsil and P.Cs. 81 to 91 in Patharia RIC in Mungeli tahsil.

Serial No.	Name and extent of constituency
(1)	(2)

32. **Masturi (SC)**—Masturi RIC, P.Cs. 111, 130 and 131 in Bilaspur RIC and P.Cs. 133, 135 and 136 in Sipat (Nargoda) RIC in Bilaspur tahsil.

33. **Sipat**—Sipat (Nargoda) RIC (excluding P.Cs. 133, 135 and 136), P.Cs. 107, 108 and 132 in Bilaspur RIC, P.Cs. 78 to 80, 97 and 98 in Ghutku-I RIC and P.C. 96 in Ghutku-II RIC in Bilaspur tahsil and the forest villages in the area.

JANJGIR-CHAMPA DISTRICT

34. **Akaltara**—Baloda RIC and Akaltara RIC (excluding P.Cs. 58 and 60) in Janjgir tahsil and the forest villages in the area.

35. **Pamgarh**—Pamgarh and Nawagarh RICs, P.Cs. 58 and 60 in Akaltara RIC and P.Cs. 50, 52 and 53 in Janjgir RIC in Janjgir tahsil.

36. **Champa**—Champa RIC and Janjgir RIC (excluding P.Cs. 50, 52 and 53) in Janjgir tahsil.

37. **Sakti**—Sakti RIC in Sakti tahsil and P.Cs. 73 to 80 in Rampur RIC in Katghora tahsil.

38. **Malkharoda (SC)**—Jaijaipur RIC and Malkharoda RIC (excluding P.Cs. 51, 52, 57, 59 and 60) in Sakti tahsil.

39. **Chandrapur**—Chandrapur RIC and P.Cs. 51, 52, 57, 59 and 60 in Malkharoda RIC in Sakti tahsil.

RAIPUR DISTRICT

40. **Raipur Town**—Raipur town (excluding wards 20 to 24, 29, 30, 34 and 35 and non-ward municipal area).

41. **Raipur Rural**—Wards 20 to 24, 29, 30, 34 and 35 in Raipur town including non-ward municipal area. Raipur-II RIC and Raipur-I RIC (excluding P.Cs. 111, 112 and 115) in Raipur tahsil.

42. **Abhanpur**—Abhanpur and Nawapara RICs in Raipur tahsil.

43. **Mandirhasod**—Mandirhasod RIC and P.Cs. 111, 112 and 115 in Raipur-I RIC in Raipur tahsil.

44. **Arang (SC)**—Arang and Kharora RICs in Raipur tahsil.

45. **Dharsiwa**—Dharsiwa-I, Dharsiwa-II and Tilda RICs in Raipur tahsil.

46. **Bhatapara**—Simga RIC and Bhatapara RIC (excluding P.Cs. 34 to 38) in Baloda Bazar tahsil.

47. **Baloda Bazar**—P.Cs. 34 to 38 in Bhatapara RIC and Baloda Bazar and Jarod RICs in Baloda Bazar tahsil.

48. **Pallari (SC)**—Pallari and Lawan RICs in Baloda Bazar tahsil and the forest villages in the area.

49. **Kasdol**—Kasdol and Bilaigarh RICs in Baloda Bazar tahsil and the forest villages in the area.

50. **Bhatgaon (SC)**—Bhatgaon RIC in Baloda Bazar tahsil and the forest villages in the area and Bhanwarpur RIC in Mahasamund tahsil.

Serial No.	Name and extent of constituency
(1)	(2)
51.	Rajim —Rajim RIC, Chhura RIC (excluding P.Cs. 31 to 35) and P.Cs. 36 to 39, 41 and 42 in Gariaband RIC in Bindranawagarh tashil.
52.	Bindranawagarh (ST) —Deobhog RIC, Gariaband RIC (excluding P.Cs. 36 to 39, 41 and 42) and P.Cs. 31 to 35 in Chhura RIC in Bindranawagarh tahsil and the forest villages in the area.
MAHASAMUND DISTRICT	
53.	Saraipali —Saraipali and Khamharpali RICs Mahasamund tahsil.
54.	Basna —Basna RIC and Pithora RIC (excluding P.Cs. 25 to 28) in Mahasamund tahsil and the forest villages in the area.
55.	Khallari —Khallari and Komakhan RICs and P.Cs. 25 to 28 in Pithora RIC in Mahasamund tahsil and the forest villages in the area.
56.	Mahasamund —Mahasamund and Patewa RICs in Mahasamund tahsil and the forest villages in the area.
DHANTARI DISTRICT	
57.	Sihawa (ST) —Sihawa RIC and Dhamtari RIC (excluding Dhamtari town and P.Cs. 50 to 52) in Dhamtari tahsil and the forest villages in the area.
58.	Kurud —Kurud and Magarlod RICs in Dhamtari tahsil and the forest villages in the area.
59.	Dhamtari —Bhothali RIC, Dhamtari town and P.Cs. 50 to 52 in Dhamtari RIC in Dhamtari tashil.
KANKER DISTRICT	
60.	Bhanupratappur (ST) —Bhanupratappur tahsil and Charama RIC (excluding P.Cs. 2 and 13 to 16) and P.Cs. 20 to 24 and 26 in Kanker RIC in Kanker tahsil.
61.	Kanker (ST) —Narharpur RIC, P.Cs. 2 and 13 to 16 in Charama RIC and Kanker RIC (excluding P.Cs. 20 to 24 and 26) in Kanker tahsil.
62.	Narayanpur (ST) —Koilibeda and Antagarh RICs and P.Cs. 23 to 25 in Narayanpur RIC in Narayanpur tahsil and the forest villages in the area.
BASTAR DISTRICT	
63.	Keskal (ST) —Keskal RIC and P.Cs. 19 to 26 in Pharsgaon RIC in Kondagaon tahsil and the forest villages in the area.
64.	Kondagaon (ST) —Pharasgaon RIC (excluding P.Cs. 19 to 26) and Kondagaon RIC (excluding P.Cs. 35 and 37 to 43) in Kondagaon tahsil and the forest villages in the area and Narayanpur RIC (excluding P.Cs. 23 to 25) in Narayanpur tahsil.
65.	Bhanpuri (ST) —Bhanpuri RIC and P.C. 38 in Bakawand RIC in Jagdalpur tahsil and P.Cs. 35 and 37 to 43 in Kondagaon RIC in Kondagaon tahsil and the forest villages in the area.
66.	Jagdalpur (ST) —Bakawand RIC (excluding P.C. 38), Jagdalpur (B) RIC and Jagdalpur (A) RIC (excluding P.Cs. 54 to 59) in Jagdalpur tahsil and the forest villages in the area.
67.	Keslur (ST) —P.Cs. 54 to 59 in Jagdalpur (A) RIC and Keslur RIC in Jagdalpur tahsil and the forest villages in the area and P.Cs. 7 to 9 in Chindgarh RIC in Konta tashil.
68.	Chitrakote (ST) —Chitrakote RIC in Jagdalpur tahsil and P.Cs. 1 to 9 in Dantewara RIC in Dantewara tahsil and the forest villages in the area.

Serial No.	Name and extent of constituency
(1)	(2)

DANTEWARA DISTRICT

69. **DANTEWARA (ST)**—Dantewara tahsil (excluding P.Cs. 1 to 9 Dantewara RIC) and the forest villages in the area.
70. **Konta (ST)**—Konta tahsil (excluding P.Cs. 7 to 9 in Chindgarh RIC) and the forest villages in the area.
71. **Bijapur (ST)**—Bijapur tahsil and the forest villages in the area.

DURG DISTRICT

72. **Maro (SC)**—Maro and Nawagarh RICs and P.Cs. 46, 51, 52 and 55 to 57 in Khandsara RIC in Bemetara tahsil.
73. **Bemetara**—Bemetara and Anandgaon RICs and P.Cs. 47 to 50, 53 to 54 in Khandsara RIC in Bemetara tahsil.
74. **Saja**—Saja and Deokar RICs and Khandsara RIC (excluding P.Cs. 46 to 57) in Bemetara tahsil.
75. **Dhamdha**—Dhamdha and Nankathi RICs and P.Cs. 46 to 48 and 50 to 52 in Bhilai RIC in Durg tahsil.
76. **Durg**—Durg-I and Durg-II RICs and S.A.F. Colony, Kosa Nala, Supela Bazar West, Supela Bazar, Supela Bazar East and Supela Camp West in Bhilainagar and ex-revenue village Chhaoni lying on the periphery of Bhilainagar in Bhilai RIC in Durg tahsil.
77. **Bhilai**—Bhilainagar (excluding S.A.F. Colony, Kosa Nala, Supela Bazar West, Supela Bazar, Supela Bazar East, Supela Camp West and ex-revenue village Chhaoni lying on the periphery of Bhilainagar) in Bhilai RIC in Durg tahsil.
78. **Patan**—Bhilai RIC (excluding P.Cs. 46 to 48 and 50 to 52 and Bhilainagar) and Patan RIC (excluding P.Cs. 95 to 98) in Durg tahsil.
79. **Gunderdehi**—Bhatagaon and Gunderdehi RICs and P.Cs. 95 to 98 in Patan RIC in Durg tahsil.
80. **Khertha**—Anda RIC in Durg tahsil and Khertha RIC in Balod tahsil.
81. **Balod**—Gurur and Balod RICs in Balod tahsil and the forest villages in the area.
82. **Dondi Lohara (ST)**—Khusumkasa and Dondi Lohara RICs in Balod tahsil and the forest villages in the area.

RAJNANDGAON DISTRICT

83. **Chowki (ST)**—Manpur and Mohala RICs and Chowki RIC (excluding P.Cs. 99 to 105) in Rajnandgaon tahsil.
84. **Khujji**—Chhuria and Khujji RICs and P.Cs. 99 to 105 in Chowki RIC in Rajnandgaon tahsil and the forest villages in the area.
85. **Dongargaon**—Dongargaon RIC in Rajnandgaon tahsil and Lal Bahadur Nagar RIC (excluding P.C. 88) in Khairagarh tahsil and the forest villages in the area.
86. **Rajnandgaon**—Rajnandgaon RIC in Rajnandgaon tahsil.
87. **Dongargarh (SC)**—Ghumka RIC in Rajnandgaon tahsil, P.C. 88 in Lal Bahadur Nagar RIC and Dongargarh RIC and P.Cs. 52 and 55 to 61 in Pandadah RIC in Khairagarh tahsil.

Serial No.	Name and extent of constituency
(1)	(2)

88. **Khairagarh**—Khairagarh and Chhuikhadan RICs, Pandadah RIC (excluding P.Cs. 52 and 55 to 61) and Gandai RIC (excluding P.Cs. 6 and 8 to 14) in Khairagarh tahsil and the forest villages in the area.

KAWARDHA DISTRICT

89. **Birendranagar**—P.Cs. 6 and 8 to 14 in Gandai RIC in Khairagarh tahsil and Birendranagar and Sahaspur Lohara RICs and Kawardha RIC (excluding P.Cs. 28, 29, 34 and 35 and Kawardha Town) in Kawardha tahsil and the forest villages in the area.
90. **Kawardha**—Dasrangpur and Bodla RICs and Kawardha Town and P.Cs. 28, 29, 34 and 35 in Kawardha RIC in Kawardha tahsil and the forest villages in the area.”.

THE THIRD SCHEDULE

(See section 19)

AMENDMENT OF THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, after Part XXII, the following shall be inserted, namely:—

“PART XXIII.—CHHATTISGARH

1. Audhelia
2. Bagri, Bagdi
3. Bahna, Bahana
4. Balahi, Balai
5. Banchada
6. Barahar, Basod
7. Bargunda
8. Basor, Burud, Bansor, Bansodi, Bansphor, Basar
9. Bedia
10. Beldar, Sunkar
11. Bhangi, Mehtar, Balmiki, Lalbegi, Dharkar
12. Bhanumati
13. Chadar
14. Chamar, Chamari, Bairwa, Bhambhi, Jatav, Mochi, Regar, Ne
Ramnami, Satnami, Surjyabanshi, Surjyaramnami, Ahirwar, Chamar, Mangan,
Raidas
15. Chidar
16. Chikwa, Chikvi
17. Chitar
18. Dahait, Dahayat, Dahat
19. Dewar
20. Dhanuk
21. Dhed, Dher
22. Dohor
23. Dom, Dumar, Dome, Domar, Doris
24. Ganda, Gandhi
25. Ghasi, Ghasia
26. Holiya
27. Kanjar
28. Katia, Patharia
29. Khatik
30. Koli, Kori
31. Khangar, Kanera, Mirdha
32. Kuchbandhia
33. Mahar, Mehra, Mehar
34. Mang, Mang Garodi, Mang Garudi, Dankhani Mang, Mang Mahasi, Madari,
Garudi, Radhe Mang
35. Meghwal
36. Moghia
37. Muskhan
38. Nat, Kalbelia, Sapera, Navdigar, Kubutar
39. Pasi
40. Rujjhar
41. Sansi, Sansia
42. Silawat
43. Zamral.”

THE FOURTH SCHEDULE

(See section 20)

AMENDMENT OF THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In the Constitution (Scheduled Tribes) Order, 1950,—

(a) in paragraph 2, for the figures "XIX", the figures "XX" shall be substituted;

(b) in the Schedule,—

(i) for Part VIII, the following Part shall be substituted, namely:—

"PART VIII.—MADHYA PRADESH

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia, Bhumia, Bhunihar Bhumia, Bhumia, Bharia, Paliha, Pando
6. Bhattra
7. Bhil Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhar
12. Birhul, Birhor
13. Damor, Damaria
14. Dhanwar
15. Gadaba, Gadba
16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond, Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku
20. Kavar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri
21. Keer (in Bhopal, Raisen and Sehore districts)
22. Khairwar, Kondar
23. Kharia
24. Kondh, Khond, Khand
25. Kol
26. Kolam
27. Korku, Bopchi, Mouasi, Nihar, Nahul, Bhodhi, Bondeya
28. Korwa, Kodaku
29. Majhi
30. Majhwar
31. Mawasi
32. Mina (in Sironj Sub-Division of Vidisha District)
33. Munda
34. Nagesia, Nagasia
35. Oraon, Dhanka, Dhangad
36. Panika [in (i) Chhatarpur, Panna, Rewa, Satna, Shahdol, Umaria, Sidhi and Tikamgarh districts and (ii) Sevda and Datia tehsils of Datia district]
37. Pao

38. Pardhan, Pathari, Saroti
 39. Pardhi (in Bhopal, Raisen and Sehore districts)
 40. Pardhi, Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [in (i) Chhindwara, Mandla, Dindori and Seoni districts, (ii) Baihar tehsil of Balaghat district, (iii) Betul, Bhainsdehi and Shahpur tahsils of Betul district, (iv) Patan tahsil and Sihora and Majholi blocks of Jabalpur district, (v) Katni (Murwara) and Vijaya Raghogarh tahsils and Bahoriband and Dhemerkheda blocks of Katni district, (vi) Hoshangabad, Babai, Sohagpur, Pipariya and Bankhedi tahsils and Kesla block of Hoshangabad district, (vii) Narsinghpur district, and (viii) Harsud tahsil of Khandwa district]
 41. Parja
 42. Sahariya, Saharia, Seharua, Sehria, Sosia, Sor
 43. Saonta, Saunta
 44. Saur
 45. Sawar, Sawara
 46. Sonr.”;
- (ii) after Part XIX, the following shall be added, namely:—

“PART XX.—CHHATTISGARH

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar Bhumia, Bhumia, Bharia, Paliha, Pando
6. Bhatta
7. Bhil, Bhilala, Barela, Patelia
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhar
12. Birhul, Birhor
13. Damor, Damaria
14. Dhanwar
15. Gadaba, Gadba
16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Kolibhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond, Gowari Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Karku
20. Kavar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri
21. Khairwar, Kondar
22. Kharia
23. Kondh, Khond, Kandh
24. Kol
25. Kolam
26. Korku, Bopchi, Mouasi, Nihar, Nahul, Bondhi, Bondeya
27. Korwa, Kodaku
28. Majhi
29. Majhwar
30. Mawasi

31. Munda
32. Nagesia, Nagasia
33. Oraon, Dhanka, Dhangad
34. Pao
35. Pardhan, Pathari, Saroti
36. Pardhi, Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [in (i) Bastar, Dantewara, Kanker, Raigarh, Jashpurnagar, Surguja and Korba district, (ii) Katghora, Pali, Kartala and Korba tahsils of Korba district, (iii) Bilaspur, Pendra, Kota and Takhatpur tahsils of Bilaspur district, (iv) Durg, Patan, Gunderdehi, Dhamdha, Balod, Gurur and Dondilohara tahsils of Durg district, (v) Chowki, Manpur and Mohala Revenue Inspector Circles of Rajnandgon district, (vi) Mahasamund, Saraipali and Basna tahsils of Mahasamund district, (vii) Bindra-Navagarh Rajim and Deobhog tahsils of Raipur district, and (viii) Dhamtari, Kurud and Sihava tahsils of Dhamtari district]
37. Parja
38. Sahariya, Saharia, Seharla, Sehria, Sosia, Sor
39. Saonta, Saunta
40. Saur
41. Sawar, Sawara
42. Sonr.”.

THE FIFTH SCHEDULE*(See section 42)*

1. Famine Relief Fund
2. Guarantee Reserve Fund Investment Account
3. Revenue Reserve Fund Investment Account
4. State Agriculture Credit (Relief and Guarantee) Fund
5. Cash Balance Investment Account
6. Land Revenue and Stamp Fund
7. Rural Development Fund
8. Energy Development Cess Fund
9. Compensatory Afforestation Fund
10. Forest Development Cess Fund
11. Road Safety Fund
12. Depreciation/Renewal Reserve Fund
13. Madhya Pradesh Calamity Relief Fund
14. World Food Programme Project Fund
15. Madhya Pradesh State Employees' Family Benefit Fund
16. School Building Fund
17. Pensioners' Welfare Fund
18. Crop Insurance Fund

THE SIXTH SCHEDULE

(See section 49)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the successor State shall in respect to pensions granted before the appointed day by the existing State of Madhya Pradesh, pay the pensions drawn in its treasuries.

2. Subject to the adjustments, the liability in respect of pensions of officers serving in connection with the affairs of the existing State of Madhya Pradesh who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Madhya Pradesh.

3. There shall be computed, in respect of the period commencing on the appointed day and ending on the 31st day of March of that financial year and in respect of each subsequent financial year, the total payment made in all the successor States in respect of pension referred to in paragraphs 1 and 2. That total representing the liability of the existing State of Madhya Pradesh in respect of pension shall be apportioned between the successor State on the population ratio and any successor State paying more than its due share shall be reimbursed the excess amount by the successor State or State paying less.

4. The liability of the existing State of Madhya Pradesh in respect of pension granted before the appointed day and drawn in any area outside the territories of the existing State shall be the liability of the State of Madhya Pradesh subject to adjustments to be made in accordance with paragraph 3 as if such pensions had been drawn in any treasury in the State of Madhya Pradesh under paragraph 1.

5. (1) The liability in respect of the pensions of any officer serving immediately before the appointed day in connection with the affairs of the existing State of Madhya Pradesh and retiring on or after that day, shall be that of the successor State granting him the pension, but the portion of the pension attributable to the service of any such officer before the appointed day in connection with the affairs of the existing State of Madhya Pradesh shall be allocated between the successor State in the population ratio, and the Government granting the pension shall be entitled to receive from each of the successor State its share or this liability.

(2) If any such officer was serving after the appointed day in connection with the affairs of more than one successor State, the State Government other than the one granting the pension shall reimburse to the Government by which pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to total qualifying service of such officer after the appointed day reckoned for the purposes of pension.

6. Any reference in this Schedule to a pension shall be construed as including a reference value of the pension.

THE SEVENTH SCHEDULE

(See section 60)

LIST OF GOVERNMENT COMPANIES

1. Madhya Pradesh State Industries Corporation Limited.	Bhopal
2. Madhya Pradesh Laghu Udhog Nigam Limited.	Bhopal
3. Madhya Pradesh State Mining Corporation Limited.	Bhopal
4. Madhya Pradesh State Industrial Development Corporation Limited.	Bhopal
5. Madhya Pradesh State Agro Industries Development Corporation Limited.	Bhopal
6. Madhya Pradesh State Civil Supplies Corporation Limited.	Bhopal
7. Madhya Pradesh State Textile Corporation Limited.	Bhopal
8. Madhya Pradesh Rajya Van Vikas Nigam Limited.	Bhopal
9. Madhya Pradesh State Tourism Development Corporation Limited.	Bhopal
10. Madhya Pradesh Police Housing Corporation Limited.	Bhopal
11. Madhya Pradesh Leather Development Corporation Limited.	Bhopal
12. Madhya Pradesh Hastshilp Avam Hathkargha Vikas Nigam Limited.	Bhopal
13. Madhya Pradesh Urja Vikas Nigam Limited.	Bhopal
14. Madhya Pradesh State Electronics Development Corporation Limited.	Bhopal
15. Madhya Pradesh Pichhra Varg Tatha Alpsankhyak Vitta Avam Vikas Nigam.	Bhopal
16. Madhya Pradesh Adivasi Vitta Avam Vikas Nigam.	Bhopal
17. Madhya Pradesh Export Corporation Limited.	Bhopal
18. The Provident Investment Company Limited.	Mumbai
19. Madhya Pradesh Film Development Corporation Limited.	Bhopal
20. Optel Telecommunications Limited.	Bhopal
21. Madhya Pradesh Audyogik Kendra Vikas Nigam (Bhopal) Limited.	Bhopal
22. Madhya Pradesh Audyogik Kendra Vikas Nigam (Indore) Limited.	Indore
23. Madhya Pradesh Audyogik Kendra Vikas Nigam (Raipur) Limited.	Raipur
24. Madhya Pradesh Audyogik Kendra Vikas Nigam (Jabalpur) Limited.	Jabalpur
25. Madhya Pradesh Audyogik Kendra Vikas Nigam (Gwalior) Limited.	Gwalior
26. Madhya Pradesh Audyogik Kendra Vikas Nigam (Rewa) Limited.	Rewa
27. Madhya Pradesh Agro Pesticides Limited.	Bhopal
28. Madhya Pradesh Agro Oils and Cattlefeed Limited.	Bhopal

THE EIGHTH SCHEDULE

(See section 66)

CONTINUANCE OF FACILITIES IN CERTAIN STATE INSTITUTION

LIST OF TRAINING INSTITUTIONS/CENTRES

1. Prevention of Food Adulteration Organisation State Laboratory Controller, Lal Ghati, Bhopal.
2. State Institute of Health Management and Communication, Gwalior.
3. Madhya Pradesh State Seed Certification Agency, Officer Complex, B-2, Gautam Nagar, Bhopal.
4. Madhya Pradesh State Forest Research Institute, Polipathar, Narmada Road, Jabalpur.
5. Pandit Kunjilal Dubey Rastriya Sansadiya Vidyapeeth, Old Vidhan Sabha Campus, Bhopal.
6. Mahatma Gandhi State Institute of Rural Development and Training, Adhartal, Jabalpur.
7. Madhya Pradesh State Employment and Training Institute, Rajiv Gandhi Bhawan, Shyamla Hills, Bhopal.
8. State Academy of Administration, Hitkarni Nagar, 1100 Quarters, Bhopal.
9. Medico Legal Institute, Gandhi Medical College, Bhopal.
10. Ranger Training College, Balaghat.
11. Agriculture Cooperative Staff Training Institute of Apex Bank, Kotra Sultanabad, Bhopal.
12. Jawaharlal Nehru Police Academy, Sagar.
13. Tribal Research and Training Institute, Shyamla Hills, Bhopal.
14. Jail Training Centre, Sagar.
15. Armed Police College, Indore.
16. Police Radio Training School, Indore.
17. Central Training Institute, Home Guards and Civil Defence, Khamria, Jabalpur.
18. Forensic Science Laboratory, Sagar.
19. Madhya Pradesh Water and Land Management Institute, Walmi Hills, Near Kaliasot Dam, Kolar Road, Bhopal.
20. Judicial Officers Training Institute, High Court Campus, Jabalpur.
21. Sanjay Gandhi Youth Leadership and Rural Development Training Institute, Pachmari, District Hoshangabad.
22. State Level Training Institute, Mahalgaon, Gwalior.
23. Artificial Insemination Training Institute, Bhopal/Mandla.
24. Assistant Veterinary Field Officers Training Centre, Mahasamund, Shivpuri.
25. Poultry Training Centre, Rewa.
26. Food Analysis Unit, Bhopal.
27. Fisheries Training Institute, Raipur and Naogaon.
28. Central Semen Station, Bhopal.
29. Poultry Research Centre, Bhopal.
30. Soil Conservation Training Centre, Gwalior and Betul.
31. Plant Protection Training Centre, Obedullaganj (Raisen).
32. Officers Training Centre, Horticulture, Pachmarhi.
33. Sister Tutor Training Institute, Ujjain.
34. Central Research Laboratory Centre, Shyamla Hills, Bhopal.

-
35. Bureau of Design for Hydel and Irrigation Project, Bhopal.
 36. Pre-Examination Training Centre for Backward Classes, Bhopal.
 37. State Institute of Education Management and Training, Bhopal.
 38. All India Services Pre-Examination Training Centre, Ravishankar University Campus, Raipur.
 39. Excise Training Institute, Birlanagar.
 40. Aviation Workshop, State Hangar, Bhopal.

STATEMENT OF OBJECTS AND REASONS

In his Address delivered to Parliament on the 25th day of October, 1999, the President stated that necessary action would soon be initiated for the creation of a new State of Chhattisgarh. The Bill seeks to give effect to that commitment. The Bill aims at reconstituting the existing State of Madhya Pradesh into two separate States.

2. The Bill provides for the territories of the two States and makes the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters.

3. The proposed reorganisation of the existing State of Madhya Pradesh will meet the democratic aspirations of the people of Chhattisgarh.

L. K. ADVANI.

NEW DELHI;

The 14th May, 2000.

Notes on Clauses

Clause 2(h).—The population ratio of 485.7:176.2 for the States of Madhya Pradesh and Chhattisgarh has been taken on the basis of the 1991 census for the two regions.

Clause 3 provides for the formation of a new State of Chhattisgarh by transferring 16 districts from the existing State of Madhya Pradesh.

Clause 5 seeks to make certain consequential amendments in the First Schedule to the Constitution.

Clause 6 expressly saves the power of the successor States to alter the name, areas or boundaries of any district or other territorial division in the State.

Clauses 7 and 8 deal with the representation of the State of Madhya Pradesh and Chhattisgarh in the Council of States. *Clause 7* seeks to make consequential changes in the Fourth Schedule to the Constitution. *Clause 8* and First Schedule provide that out of 16 sitting members of the Council of States representing the existing State of Madhya Pradesh, 5 sitting members will represent the new State of Chhattisgarh and the remaining 11 sitting members will represent the State of Madhya Pradesh.

Clauses 9 to 11 deal with the representation of the successor States of Madhya Pradesh and Chhattisgarh in the House of the People. Out of 40 seats representing the existing State of Madhya Pradesh in the House of the People, 11 seats will be allotted to the State of Chhattisgarh and the remaining 29 seats will represent the State of Madhya Pradesh. The allocation of seats has been made on the basis of the territorial location of the constituencies.

Clauses 12 to 16.—At present, there are 320 seats in the Legislative Assembly of Madhya Pradesh and one member is nominated in accordance with the provisions of article 333. 230 seats have been allotted to the State of Madhya Pradesh and 90 seats have been allotted to the successor State of Chhattisgarh. The allocation of seats in this case also has been based on the territorial location of the constituencies concerned. The sitting member of the Legislative Assembly of the existing State of Madhya Pradesh nominated to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Madhya Pradesh.

Clauses 17 and 18.—Under these clauses, the Election Commission has been given the powers for delimitation of constituencies and also for the allocation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and the Legislative Assemblies of the States of Madhya Pradesh and Chhattisgarh respectively.

Clause 19.—Through this clause, the Constitution (Scheduled Castes) Order, 1950 has been amended as given in the Third Schedule.

Clause 20.—Through this clause, the Constitution (Scheduled Tribes) Order, 1950 has been amended as given in the Fourth Schedule.

Clauses 21 to 33 deal with the establishment of separate High Courts for the States of Madhya Pradesh and Chhattisgarh, their composition, powers and functions and the procedure to be followed by them.

Clause 34.—In order that the administrative power of the new State of Chhattisgarh can be carried on until the Legislature of that State has sanctioned expenditure from the Consolidated Fund of that State and passed the necessary Appropriation Act, provision has been made in this clause for the Governor of Madhya Pradesh to authorise, at any time, before the appointed day such expenditure as he thinks necessary for a period of six months from that date. A similar power is conferred on the Governor of Chhattisgarh after the appointed day.

Clause 35 contains the usual provision that the reports of the Comptroller and Auditor-General of India for any period prior to the appointed day should be submitted to the Governors of Madhya Pradesh and Chhattisgarh and enables the President to take such further action as may be appropriate under the circumstances.

Clause 36 seeks to empower the President to determine the share of the States of Madhya Pradesh and Chhattisgarh in the total amount payable to the existing State of Madhya Pradesh on the recommendations of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

Clauses 37 to 57 relate to apportionment of assets and liabilities of the State of Madhya Pradesh among the successor States and are guided by the following principles:—

(i) Going by natural, cardinal principles of succession, all the assets and liabilities should be apportioned in the ratio of population. The particular assets and liabilities to be transferred should be identified on consideration of nexus, proximity and expediency. Consistent with the requirement that the successor States should be identified on consideration of nexus, proximity and expediency. Consistent with the requirement that the successor States should have full and mutually exclusive executive/legislative control on all subjects having a direct territorial nexus with their territories, all the physical assets are to be apportioned on the basis of location. The proximity of nexus consideration, which may be preferable basis of allocation in the case of allocation of physical assets and liabilities, may not be suitable for allocation of financial assets and liabilities which should preferably be allocated by overall valuation and apportionment on the basis of population ratio. Further, the financial assets in the nature of rights to receive money (which by way of arrears of tax or non-tax revenue or by way of recovery of loans) are to be apportioned on considerations of territorial nexus with the persons from whom the moneys are receivable. Other assets and liabilities may be apportioned primarily on the basis of territorial nexus, failing which on the basis of population.

(ii) The apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities among the successor States.

(iii) All liabilities on account of Public Debt and Public Account of the existing State of Madhya Pradesh outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is adopted under specific provisions of this Act. The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India. Till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Madhya Pradesh shall continue to be the liabilities of the successor State of Madhya Pradesh. As an exception, the liability on account of loans raised and relented by the predecessor Governor to such entities as are notified by the Central Government and whose area of operation is confined to either of the successor States would devolve on the respective States.

(iv) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order of the Central Government on the advice of the Comptroller and Auditor-General of India.

(v) The outstanding Public Debt attributable to loans raised by the issue of Government Securities and held by public is sought to be retained in the books of Madhya Pradesh (successor) and Chhattisgarh is expected to contribute its share for servicing and repayment of the debt. The outstanding Public Debt attributable to loans received from Central Government agencies and relented to other bodies in the State is sought to be allocated on the basis of ultimate borrowers.

(vi) Subject to legislation by competent legislature, the successor States would be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States would be liable to bear the responsibilities and liabilities arising out of the decisions taken by the predecessor State.

(vii) The liability of paying retirement benefits and Provident Fund balance to employees should be allocated on the basis of permanent allocation of the Government servants.

(viii) Contractual liabilities other than those of loans, guarantees, bank balances, securities and other financial obligations are sought to be allocated on the basis of the exclusive purpose of the contract or through agreement.

(ix) The right to recovery of loans and taxes would vest in the State according to the principal place of business/occupation of the loanee or assessee. The liabilities to refund any tax or duty on property including land revenue as also the right to collect arrears of tax or duty on property including land revenue would be allocated on the basis of the location of the taxed property.

(x) Items laying in suspense which are ultimately found to affect assets or liabilities may be dealt with according to the allocation of that asset/liability.

(xi) The liability on account of loans raised from any source and re-lent by the existing State of Madhya Pradesh to such entities as are notified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States.

(xii) The balances in the Reserve Funds in the Public Account of Madhya Pradesh created wholly out of appropriation from the Consolidated Fund of Madhya Pradesh, to the extent the balances have not been invested outside Government account, should not be carried forward to similar Reserve Funds in the Public Account of Madhya Pradesh and Chhattisgarh. The securities held in respect of investments made from Cash Balance Investment Account or from any Fund in the Public Account of Madhya Pradesh shall be apportioned in the ratio of population of the successor States.

Clauses 58 to 62 provide that the Electricity Board, the State Road Transport Corporation, State Warehousing Corporation, Madhya Pradesh State Financial Corporation, certain corporations and statutory corporations will continue to function in the same area until either they are dissolved or reorganised under directions of the Central Government or through other provisions given.

Clause 63 makes a provision for continuance of the road transport permits issued by the State Transport Authority or the Regional Transport Authority of the existing State of Madhya Pradesh even after the reorganisation of the State. This clause also provide that no tolls, entrance fees or any other charges shall be levied on any transport vehicle for its operation in any of the successor States if such vehicle was exempt from payment of any such toll/entrance fees or other charges for its operation prior to reorganisation.

Clause 64 makes special provision relating to payment of retrenchment compensation to the employees on reorganisation/reconstitution of any body corporate constituted under Central Act, State Act, Provincial Act, any cooperative society registered under any law relating to cooperative societies or any industrial undertaking of that State after the reorganisation of the State.

Clause 65 entitles a body corporate to carry forward or set off gains or losses in accordance with the provisions of the Income-tax Act, 1961 if its assets, rights or liabilities are transferred to any other body corporate, which after the transfer carry on the same business.

Clause 66 allows the continuance of similar facilities to the employees of certain State institutions specified in the Eighth Schedule.

Clauses 67 to 74 make provision relating to services. Clause 67 provide for creation of two separate cadres for the State of Madhya Pradesh and the new State of Chhattisgarh for the Indian Administrative Service, Indian Police Service and the Indian Forest Service, in place of the existing cadre of the State of Madhya Pradesh in respect of these three services. It also confers powers on the Central Government to determine the strength and composition of the new cadres and allot new officers thereto in consultation with the State Government concerned.

Clauses 68 to 70 provide the procedure for allocation of officers serving under the Government of Madhya Pradesh to the States of Madhya Pradesh and Chhattisgarh.

Clause 71 empowers the Central Government to establish Advisory Committee for the purpose of assisting it in regard to discharge of any of its functions relating to the services and ensuring fair and equitable treatment of all persons affected by these provisions and proper consideration of any representation.

Clause 72 empowers the Central Government to issue directions to the State Government of Madhya Pradesh and the State Government of Chhattisgarh as are considered appropriate for the purpose of giving effect to the provisions relating to the services.

Clause 73 provides that the Public Service Commission for the existing State of Madhya Pradesh shall be the Public Service Commission for the successor State of Madhya Pradesh. It also entitles the Chairman and other members of the Public Service Commission of the State of Madhya Pradesh to the same facilities as they were entitled to prior to the reorganisation of the State.

Clause 74 provide that the jurisdiction of the Commission, Authorities and Tribunals having jurisdiction over the existing State of Madhya Pradesh, will have jurisdiction over the successor States after the appointed day.

Clauses 75 to 76 provide for the management and development of power and water resources in two States and constitution of a Inter-State River Water Board.

Clauses 77 to 86 are of miscellaneous and legal nature and these provisions are corresponding to the provisions of the States Reorganisation Act, 1956.

FINANCIAL MEMORANDUM

Clause 36 of the Bill, which deals with distribution of revenues, provides that the President shall, by order, determine the share of the States of Madhya Pradesh and Chhattisgarh and in the total amount payable to the existing State of Madhya Pradesh on the recommendation of a Finance Commission constituted under article 280 of the Constitution of India, in such manner as he thinks fit. Leaving aside some marginal increase in the administrative expenditure of the departments and agencies of the Central Government in connection with the implementation of the proposed legislation, no additional expenditure will be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 36 of the Bill empowers the President to determine, by order, the share of the States of Madhya Pradesh and Chhattisgarh in the total amount payable to the existing State of Madhya Pradesh on the recommendation of a Finance Commission constituted under article 280 of the Constitution of India, in such manner as he thinks fit,

2. Clause 79 of the Bill provides that, for the purpose of facilitating the application in relation to the State of Madhya Pradesh or Chhattisgarh of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptation and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

3. Clause 80 of the Bill deals with the power to construe laws. Clause 81 of the Bill deals with the power to name authorities, etc., for exercising statutory functions.

4. Similar provisions exist in other State Reorganisation Acts passed by Parliament earlier. These provisions are mainly of a consequential nature or pertain to matters of detail and procedure. As such, the proposed delegation of legislative powers is of a normal character.

BILL No. 95 OF 2000

A Bill to provide for the reorganisation of the existing State of Uttar Pradesh and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. This Act may be called the Uttar Pradesh Reorganisation Act, 2000.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(b) "article" means an article of the Constitution;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

(e) "existing State of Uttar Pradesh" means the State of Uttar Pradesh as existing immediately before the appointed day;

(f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Uttar Pradesh;

(g) "notified order" means an order published in the Official Gazette;

(h) "population ratio", in relation to the States of Uttar Pradesh and Uttaranchal, means the ratio of 1321:70;

(i) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Uttar Pradesh, means a person who immediately before the appointed day, is a member of that House;

(j) "successor State", in relation to the existing State of Uttar Pradesh, means the State of Uttar Pradesh or Uttaranchal;

(k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Uttar Pradesh to the State of Uttaranchal;

(l) "treasury" includes a sub-treasury; and

(m) any reference to a district, tehsil or other territorial division of the existing State of Uttar Pradesh shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF UTTAR PRADESH

Formation of
Uttaranchal
State.

3. On and from the appointed day, there shall be formed a new State to be known as the State of Uttaranchal comprising the following territories of the existing State of Uttar Pradesh, namely:—

Pauri Garhwal, Tehri Garhwal, Uttar Kashi, Chamoli, Dehradun, Nainital, Almora, Pithoragarh, Udham Singh Nagar, Bageshwar, Champawat, Rudraprayag and Hardwar districts,

and thereupon the said territories shall cease to form part of the existing State of Uttar Pradesh.

State of Uttar
Pradesh and
territorial
divisions
thereof.

4. On and from the appointed day, the State of Uttar Pradesh shall comprise the territories of the existing State of Uttar Pradesh other than those specified in section 3.

Amendment of
the First
Schedule to
the
Constitution.

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

(a) in the paragraph relating to the territories of the State of Uttar Pradesh, after the words, brackets and figures "clause (a) of sub-section (1) of section 3 of the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968", the following shall be inserted, namely:—

"and the territories specified in section 3 of the Uttar Pradesh Reorganisation Act, 2000";

(b) after entry 25, the following entry shall be inserted, namely:—

"26. Uttaranchal: The territories specified in section 3 of the Uttar Pradesh Reorganisation Act, 2000."

6. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Uttar Pradesh or Uttaranchal to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

Saving powers
of State
Governments.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

7. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

Amendment of
the Fourth
Schedule to
the
Constitution.

(a) entries 16 to 27 shall be renumbered as entries 17 to 28 respectively;

(b) in entry 15, for the figures "34", the figures "31" shall be substituted;

(c) after entry 15, the following entry shall be inserted, namely:—

"16. Uttaranchal3".

8. (1) On and from the appointed day, thirty-four sitting members of the Council of States representing the existing State of Uttar Pradesh shall be deemed to have been elected to fill the seats allotted to the States of Uttar Pradesh and Uttaranchal, as specified in the First Schedule to this Act.

Allocation of
sitting
members.

(2) The term of office of such sitting members shall remain unaltered.

The House of the People

9. On and from the appointed day, there shall be allocated 80 seats to the successor State of Uttar Pradesh, and 5 to the successor State of Uttaranchal, in the House of the People, and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

43 of 1950.

Representation
in the House
of the People.

10. On and from the appointed day, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall stand amended as directed in the Second Schedule to this Act.

Delimitation
of
Parliamentary
and Assembly
Constituencies.

11. (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor State of Uttar Pradesh or Uttaranchal, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

Provision as to
sitting
members.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

12. (1) The number of seats as on the appointed day in the Legislative Assemblies of the States of Uttar Pradesh and Uttaranchal shall be four hundred and five and sixty respectively.

Provisions as
to Legislative
Assemblies.

43 of 1950.

(2) In the Second Schedule to the Representation of the People Act, 1950, under heading "I States"—

(a) entries 24 and 25 shall be renumbered as entries 25 and 26 respectively;

(b) after entry 23, the following entry shall be inserted, namely:—

"24. Uttaranchal60";

(c) in entry 25 as so renumbered, for the figures "425", the figures "403" shall be substituted.

Allocation of
sitting
members.

13. (1) Every sitting member of the Legislative Assembly of the existing State of Uttar Pradesh elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 10 stands allotted, with or without alteration of boundaries, to the State of Uttaranchal shall, on and from that day, cease to be a member of the Legislative Assembly of Uttar Pradesh and shall be deemed to have been elected to fill a seat in the provisional Legislative Assembly of Uttaranchal from that constituency as so allotted.

(2) All other sitting members of the Legislative Assembly of the existing State of Uttar Pradesh shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency the extent, or the name and extent of which are altered by virtue of the provisions of section 10 shall be deemed to have been elected to the Legislative Assembly of Uttar Pradesh by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Uttar Pradesh and Uttaranchal shall be deemed to be duly constituted on the appointed day.

(4) The sitting member of the Legislative Assembly of the existing State of Uttar Pradesh nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Uttar Pradesh under that article.

Composition
of provisional
Legislative
Assembly of
Uttaranchal.

14. (1) On and from the appointed day and until the Legislative Assembly of the successor State of Uttaranchal has been duly constituted and summoned to meet for the first session under the provisions of the Constitution, a Provisional Legislative Assembly of the State of Uttaranchal, consisting of the twenty-two sitting members of the Legislative Assembly and nine members of the Legislative Council of the existing State of Uttar Pradesh representing the Assembly constituencies or Council constituencies of the territories transferred by virtue of the provisions of section 3 shall be constituted.

(2) The provisional Legislative Assembly of the State of Uttaranchal shall exercise all the powers and perform all the duties conferred by the provisions of the Constitution on the Legislative Assembly of that State.

(3) The term of office of the members of the Provisional Legislative Assembly of the State of Uttaranchal shall, unless the said Legislative Assembly is sooner dissolved, expire immediately before the first meeting of the Legislative Assembly of the State of Uttaranchal.

Duration of
Legislative
Assemblies.

15. The period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Uttar Pradesh, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of the existing State of Uttar Pradesh.

Speaker and
Deputy
Speaker.

16. (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Uttar Pradesh shall continue to be the Speaker and Deputy Speaker respectively of that Assembly on and from that day.

(2) As soon as may be after the appointed day, the provisional Legislative Assembly of the successor State of Uttaranchal shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

Rules of
procedure.

17. The rules of procedure and conduct of business of the Legislative Assembly of Uttar Pradesh as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the

Legislative Assembly of Uttaranchal, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

The Legislative Council of Uttar Pradesh

43 of 1950. 18. On and from the appointed day, there shall be ninety-nine seats in the Legislative Council of Uttar Pradesh, and in the Third Schedule to the Representation of the People Act, 1950, for the existing entry 8, the following entry shall be substituted, namely:—

"8. Uttar Pradesh99 36 8 8 37 10".

19. On and from the appointed day, the Delimitation of the Council Constituencies (Uttar Pradesh) Order, 1951 shall stand amended as directed in the Third Schedule.

20. (1) On and from the appointed day, the sitting members of the Legislative Council of the existing State of Uttar Pradesh specified in the Fourth Schedule to this Act shall cease to be the members of that Council and shall be deemed to be the members of the provisional Legislative Assembly.

(2) On and from the appointed day, all sitting members of the Legislative Council of the existing State of Uttar Pradesh other than those referred to in sub-section (1) shall continue to be members of that Council.

(3) The term of office of the members referred to in sub-section (2) shall remain unaltered.

21. The person who immediately before the appointed day is the Deputy Chairman of the Legislative Council of the existing State of Uttar Pradesh shall continue to be the Deputy Chairman, on and from that day of that Council.

Delimitation of constituencies

22. (1) For the purpose of giving effect to the provisions of section 12, the Election Commission shall determine in the manner hereinafter provided—

(a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States of Uttar Pradesh and Uttaranchal, respectively, having regard to the relevant provisions of the Constitution;

(b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and

(c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each State referred to in clause (a) that may be necessary or expedient.

(2) In determining the matters referred to in clauses (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions, namely:—

(a) all the constituencies shall be single-member constituencies;

(b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and

(c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may by order specify, being persons who are the members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled as far as practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified; and

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

Power of
Election
Commission to
maintain
Delimitation
Orders up-to-
date.

23. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistakes in any order made under section 22 or any error arising therein from inadvertent slip or omission; and

(b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Scheduled Castes and Scheduled Tribes

Amendment of
the Scheduled
Castes Order.

24. On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Fifth Schedule to this Act.

Amendment of
the Scheduled
Tribes Order.

25. On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Sixth Schedule to this Act.

PART IV

HIGH COURT

High Court of
Uttaranchal.

26. (1) As from the appointed day, there shall be a separate High Court for the State of Uttaranchal (hereinafter referred to as "the High Court of Uttaranchal") and the High Court of Judicature at Allahabad shall become the High Court for the State of Uttar Pradesh (hereinafter referred to as the High Court at Allahabad).

(2) The principal seat of the High Court of Uttaranchal shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Uttaranchal may sit at such other place or places in the State of Uttaranchal other than its principal seat as the Chief Justice may, with the approval of the Governor of Uttaranchal, appoint.

27. (1) Such of the Judges of the High Court at Allahabad holding office immediately before the appointed day as may be determined by the President shall on that day cease to be Judges of the High Court at Allahabad and become the Judges of the High Court of Uttaranchal.

Judges of
Uttaranchal
High Court.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Uttaranchal shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court at Allahabad.

28. The High Court of Uttaranchal shall have, in respect of any part of the territories included in the State of Uttaranchal, all such jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of that part of the said territories by the High Court at Allahabad.

Jurisdiction of
Uttaranchal
High Court.

25 of 1961.

29. (1) On and from the appointed day, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), for the words "and Uttar Pradesh", the words "Uttar Pradesh and Uttaranchal" shall be substituted.

Special
provision
relating to Bar
Council and
advocates.

25 of 1961.

(2) Any person who immediately before the appointed day is an advocate on the roll of the Bar Council of the existing State of Uttar Pradesh may give his option in writing, within one year from the appointed day to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Uttaranchal and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Uttaranchal with effect from the date of the option so given for the purposes of the said Act, and the rules made thereunder.

(3) The persons other than the advocates who are entitled immediately before the appointed day, to practise in the High Court at Allahabad or any subordinate court thereof shall, on and after the appointed day, be recognised as such persons entitled also to practise in the High Court of Uttaranchal or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Uttaranchal shall be regulated in accordance with the like principles as immediately before the appointed day are in force with respect to the right of audience in the High Court at Allahabad.

30. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court at Allahabad shall, with the necessary modifications, apply in relation to the High Court of Uttaranchal, and accordingly, the High Court of Uttaranchal shall have all such powers to make rules and orders with respect to practice and procedure as are immediately before the appointed day exercisable by the High Court at Allahabad:

Practice and
procedure in
Uttaranchal
High Court.

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court at Allahabad shall, until varied or revoked by rules or orders made by the High Court of Uttaranchal, apply with the necessary modifications in relation to practice and procedure in the High Court of Uttaranchal as if made by that Court.

31. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court at Allahabad shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Uttaranchal.

Custody of
seal of
Uttaranchal
High Court.

32. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court at Allahabad shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Uttaranchal.

Form of writs
and other
processes.

Powers of
Judges.

33. The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and division courts of the High Court at Allahabad and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Uttaranchal.

Procedure as
to appeals to
Supreme
Court.

34. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court at Allahabad and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Court of Uttaranchal.

Transfer of
proceedings
from
Allahabad
High Court to
Uttaranchal
High Court.

35. (1) Except as hereinafter provided, the High Court at Allahabad shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court at Allahabad immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Uttaranchal shall, as soon as may be after such certification, be transferred to the High Court of Uttaranchal.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 28, but save as hereinafter provided, the High Court at Allahabad shall have, and the High Court of Uttaranchal shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Allahabad before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court at Allahabad, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Uttaranchal, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Allahabad—

(a) before the appointed day, in any proceedings transferred to the High Court of Uttaranchal by virtue of sub-section (2), or

(b) in any proceedings with respect to which the High Court at Allahabad retains jurisdiction by virtue of sub-section (3),

shall for all purposes have effect, not only as an order of the High Court at Allahabad, but also as an order made by the High Court of Uttaranchal.

Right to
appear or to
act in
proceedings
transferred to
Uttaranchal
High Court.

36. Any person who, immediately before the appointed day, is an advocate entitled to practise or any other persons entitled to practise in the High Court at Allahabad and was authorised to appear in any proceedings transferred from that High Court to the High Court of Uttaranchal under section 35, shall have the right to appear in the High Court of Uttaranchal in relation to those proceedings.

Interpretation.

37. For the purposes of section 35—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

38. Nothing in this Part shall affect the application to the High Court of Uttaranchal of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

Savings.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

39. The Governor of Uttar Pradesh may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Uttaranchal as he deems necessary for any period not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Uttaranchal:

Authorisation of expenditure of Uttaranchal State.

Provided that the Governor of Uttaranchal may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Uttaranchal for any period not extending beyond the said period of six months.

40. (i) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Uttar Pradesh in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor States of Uttar Pradesh and Uttaranchal who shall cause them to be laid before the Legislature of that State.

Reports relating to accounts of Uttar Pradesh State.

(2) The President may by order—

(a) declare any expenditure incurred out of the Consolidated Fund of Uttar Pradesh on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and

(b) provide for any action to be taken on any matter arising out of the said reports.

41. The President shall, by order, determine the share of the States of Uttar Pradesh and Uttaranchal in its total amount payable to the existing State of Uttar Pradesh on the recommendation of the Finance Commission constituted under article 280 in such manner as he thinks fit.

Distribution of revenue.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

42. (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the existing State of Uttar Pradesh immediately before the appointed day.

Application of Part.

(2) The successor States shall be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Uttar Pradesh.

(3) The apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by the Central Government on the advice of the Comptroller and Auditor-General of India.

43. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Uttar Pradesh shall,—

Land and goods.

(a) if within the transferred territory, pass to the State of Uttaranchal; or

(b) in any other case, remain the property of the State of Uttar Pradesh:

Provided that where the Central Government is of opinion that any goods or class of goods should be distributed among the States of Uttar Pradesh and Uttaranchal, otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly:

Provided further that in case of any dispute relating to the distribution of any goods or class of goods under this sub-section, the Central Government shall endeavour to settle such dispute through mutual agreement arrived at between the Governments of the successor States for that purpose, failing which the Central Government may, on request by any of the Governments of the successor States, after consulting both the Governments of the successor States, issue such direction as it may deem fit for the distribution of such goods or class of goods, as the case may be, under this sub-section.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Uttar Pradesh shall be divided between the successor States in accordance with such directions as the Central Government may, after consultation with the Government of each successor States, think fit to issue for a just and equitable distribution of such stores.

(4) Any other unissued stores of any class in the existing State of Uttar Pradesh shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years prior to the appointed day, for the territories of the existing State of Uttar Pradesh included respectively in each of the successor States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

Treasury and
bank balances.

44. The total of the cash balances in all treasuries of the State of Uttar Pradesh and the credit balances of the State with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Uttar Pradesh and Uttaranchal according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Uttaranchal has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

Arrears of
taxes.

45. The right to recover arrears of the tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

46. (1) The right of the existing State of Uttar Pradesh to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

Right to
recover loans
and advances.

(2) The right of the existing State of Uttar Pradesh to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Uttar Pradesh:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Uttar Pradesh and Uttaranchal according to the population ratio.

47. (1) The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Uttar Pradesh as specified in the Seventh Schedule shall be apportioned in the ratio of population of the successor States:

Investments
and credits in
certain funds.

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Uttar Pradesh shall be divided in the ratio of the area of the territories occupied by the successor States:

Provided further that the balance in the Reserve Funds in the Public Account of Uttar Pradesh created wholly out of appropriations from the Consolidated Fund of the existing State of Uttar Pradesh, to the extent the balances have not been invested outside Government account, shall not be carried forward to similar Reserve Funds in the Public Account of the successor States.

(2) The investments of the existing State of Uttar Pradesh immediately before the appointed day in any special fund, the objects of which are confined to a local area, shall belong to the State in which that area is included on the appointed day.

(3) The investments of the existing State of Uttar Pradesh immediately before the appointed day in any private, commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the Cash Balances Investment Account, shall pass to the State in which the principal seat of business of the undertaking is located.

(4) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Uttar Pradesh or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the existing State of Uttar Pradesh made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the States of Uttar Pradesh and Uttaranchal in the same proportion in which the assets of the body corporate are divided under the provisions of this Part

48. (1) The assets and liabilities relating to any commercial or industrial undertaking of the State of Uttar Pradesh shall pass to the State in which the undertaking is located.

Assets and
liabilities of
State
undertakings.

(2) Where a depreciation reserve fund is maintained by the State of Uttar Pradesh for any such commercial or industrial undertaking, the securities held in respect of investments made from that fund shall pass to the State in which the undertaking is located.

49. (1) All liabilities on account of Public Debt and Public Account of the existing State of Uttar Pradesh outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

Public Debt.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Uttar Pradesh shall continue to be the liabilities of the successor State of Uttar Pradesh.

(3) The liability on account of loan raised from any source and re-lent by the existing State of Uttar Pradesh to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The public debt of the existing State of Uttar Pradesh attributable to loan taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall,—

(a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or

(b) if re-lent to the Uttar Pradesh Power Corporation Limited, the Uttar Pradesh Jal Vidyut Nigam Limited, the Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, the Uttar Pradesh State Road Transport Corporation, or the Uttar Pradesh Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the States of Uttar Pradesh and Uttaranchal in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Uttar Pradesh for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Uttar Pradesh and Uttaranchal in the same proportion in which the total public debt is divided between the two States under this section.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under, clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944.

Floating Debt.

50. The liability of the State of Uttar Pradesh in respect of any floating loan to provide short-term finance to any commercial undertaking shall be the liability of the State in whose territories the undertaking is located.

Refund of taxes collected in excess.

51. The liability of the existing State of Uttar Pradesh to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Uttar Pradesh to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

Deposits, etc.

52. (1) The liability of the existing State of Uttar Pradesh in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made.

(2) The liability of the existing State of Uttar Pradesh in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment, under the terms thereof, are confined.

Provident fund.

53. The liability of the existing State of Uttar Pradesh in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted.

Pensions.

54. The liability of the existing State of Uttar Pradesh in respect of pensions shall pass to, or be apportioned between, the successor States of Uttar Pradesh and Uttaranchal in accordance with the provisions contained in the Eighth Schedule to this Act.

Contracts.

55. (1) Where, before the appointed day, the existing State of Uttar Pradesh has made

any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

(a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Uttar Pradesh and Uttaranchal; and

(b) in any other case, of the State of Uttar Pradesh,

and all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Uttar Pradesh, be rights or liabilities of the State of Uttaranchal or the State of Uttar Pradesh, as the case may be:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the successor States of Uttar Pradesh and Uttaranchal or in default of such agreement, as the Central Government may by order direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligation; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

56. Where, immediately before the appointed day, the existing State of Uttar Pradesh is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

Liability in respect of actionable wrong.

(a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Uttar Pradesh or Uttaranchal, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Uttar Pradesh, but subject to such financial adjustment as may be agreed upon between the States of Uttar Pradesh and Uttaranchal or, in default of such agreement, as the Central Government may, by order, direct.

57. Where, immediately before the appointed day, the existing State of Uttar Pradesh is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Uttar Pradesh shall,—

Liability as guarantor.

(a) if the area of operations of such society or persons is limited to the territories which, as from that day, are the territories of either of the States of Uttar Pradesh or Uttaranchal, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Uttar Pradesh, subject to such financial adjustment as may be agreed upon between the States of Uttar Pradesh and Uttaranchal or, in default of such agreements, as the Central Government may, by order, direct.

58. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Items in suspense.

59. The benefit or burden of any asset or liability of the existing State of Uttar Pradesh not dealt with in the foregoing provisions of this Part shall pass to the State of Uttar Pradesh in the first instance, subject to such financial adjustment as may be agreed upon between the States of Uttar Pradesh and Uttaranchal or, in default of such agreement, as the Central Government may, by order, direct.

Residuary provision.

Apportionment of assets or liabilities by agreement.

60. Where the successor States of Uttar Pradesh and Uttaranchal agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Power of Central Government to order allocation or adjustment in certain cases.

61. Where, by virtue of any of the provisions of this Part, any of the successor States of Uttar Pradesh and Uttaranchal becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that property or those benefits should be transferred to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order, determine.

Certain expenditure to be charged on Consolidated Fund.

62. All sums payable either by the State of Uttar Pradesh or by the State of Uttaranchal to the other States or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

Provisions for Power Corporation Limited, etc.

63. (1) The following bodies corporate constituted for the existing State of Uttar Pradesh, namely:—

(a) the Uttar Pradesh Power Corporation Limited, the Uttar Pradesh Jal Vidyut Nigam Limited and the Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited;

(b) the Uttar Pradesh Electricity Regulatory Commission; and

(c) the State Warehousing Corporation established under the Warehousing Corporations Act, 1962,

58 of 1962.

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Power Corporation, Commission or Warehousing Corporation shall include a direction that the Act under which the Power Corporation, Commission or Warehousing Corporation was constituted shall, in its application to that Power Corporation, Commission or Warehousing Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Power Corporation, Commission or Warehousing Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on such date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States of Uttar Pradesh and Uttaranchal in such manner as may be agreed upon between them within one year of the dissolution of the Power Corporation, Commission or Warehousing Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may, by order, determine:

Provided that any liabilities of any of the said Power Corporations referred to in clause (a) of sub-section (1) relating to the unpaid dues of the coal supplied to the Power Corporation by any public sector coal company shall be provisionally apportioned between the corresponding Power Corporations constituted respectively in the successor States of the

existing State of Uttar Pradesh or after the date appointed for the dissolution of the Power Corporation under this sub-section in such manner as may be agreed upon between the Governments of the successor States within one month of such dissolution or if no agreement is reached, in such manner as the Central Government may by order determine subject to reconciliation and finalisation of the liabilities which shall be completed within three months from the date of such dissolution by the mutual agreement between the successor States or failing such agreement by the direction of the Central Government:

Provided further that an interest at the rate of two per cent. higher than the cash credit interest shall be paid on outstanding unpaid dues of the coal supplied to the Electricity Corporation by the public sector coal company till the liquidation of such dues by the concerned State Power Corporation constituted in the successor States on or after the date appointed for the dissolution of the Power Corporation under this sub-section.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Uttar Pradesh or, as the case may be, the Government of the State of Uttaranchal from constituting, at any time on or after the appointed day, a State Power Corporation, an Electricity Regulatory Commission or a State Warehousing Corporation for the State under the provisions of this Act relating to such Power Corporation, Commission or Warehousing Corporation; and if such a Power Corporation, Commission or Warehousing Corporation is so constituted in either of the States before the dissolution of the Power Corporation, Commission or Warehousing Corporation referred to in sub-section (1),—

(a) provision may be made by order of the Central Government enabling the new Power Corporation, new Commission or the new Warehousing Corporation to take over from the existing Power Corporation, Commission or Warehousing Corporation all or any of its undertakings, assets, rights and liabilities in that State, and

(b) upon the dissolution of the existing Power Corporation, Commission or Warehousing Corporation,—

(i) any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board, new Commission or the new Warehousing Corporation instead of to that State;

(ii) any employee who would otherwise have been transferred to or re-employed by that State under sub-section (3), read with clause (i) of sub-section (5), shall be transferred to or re-employed by the new Power Corporation, new Commission or the new Warehousing Corporation instead of to or by that State.

(5) An agreement entered into between the successor States under sub-section (3) and an order made by the Central Government under that sub-section or under clause (a) of sub-section (4) may provide for the transfer or re-employment of any employee of the Power Corporation, Commission or Warehousing Corporation referred to in sub-section (1),—

(i) to or by the successor States, in the case of an agreement under sub-section (2) or an order made under that sub-section;

(ii) to or by the new Power Corporation, new Commission or the new Warehousing Corporation constituted under sub-section (4), in the case of an order made under clause (a) of that sub-section,

and, subject to the provisions of section 68, also for the terms and conditions of service applicable to such employees after such transfer or re-employment.

64. If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it is, by virtue of the provisions of Part II, outside the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may, after consultation with the Government of each successor States wherever necessary, give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

Continuance
of
arrangements
in regard to
generation and
supply of
electric power
and supply of
water.

Provisions as to Uttar Pradesh State Financial Corporation.

65. (1) The Uttar Pradesh State Financial Corporation established under the State Financial Corporations Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

63 of 1951.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any other law for the time being in force, be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court of Uttar Pradesh and Uttaranchal as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the Corporations affected by the scheme as well as the shareholders and creditors thereof.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the States of Uttar Pradesh and Uttaranchal from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporations Act, 1951.

63 of 1951.

Provisions as to certain companies.

66. (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the companies specified in the Ninth Schedule to this Act shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day; and the Central Government may from time to time issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law.

1 of 1956.

(2) Any directions issued under sub-section (1) in respect of a company referred to in that sub-section, may include directions—

(a) of existing State of Uttar Pradesh in the company among the successor states;

(b) requiring the reconstitution of the Board of Directors of the Company so as to give adequate representation to all the successor States.

General provision as to statutory corporations.

67. (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Uttar Pradesh or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it

was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

59 of 1988.

68. (1) Notwithstanding anything contained in section 89 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Uttar Pradesh or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be counter-signed by the State Transport Authority of Uttaranchal or any Regional Transport Authority therein for the purpose of validating it for use in such area:

Temporary provisions as to continuance of certain existing road transport permits.

Provided that the Central Government may, after consultation with the successor State Government or Governments concerned add to amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be:

Provided further that the provisions of this sub-section shall not be applicable where any such tolls, entrance fees or other charges of a like nature is leviable for the use of any road or bridge which is constructed or developed for commercial purpose by the State Government, an undertaking of the State Government, a joint undertaking in which the State Government is a shareholder or a private sector.

14 of 1947.

69. Where on account of the reorganisation of the existing State of Uttar Pradesh under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by, any other body corporate, or in any other co-operative society or undertaking, then, notwithstanding anything contained in section 25F or section 25FF or section 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Special provisions relating to retrenchment compensation in certain cases.

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;

(b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F or section 25FF or section 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

14 of 1947.

Special
provision as to
income-tax.

70. Where the assets, rights and liabilities of any body corporate carrying on business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first-mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

43 of 1961.

Continuance
of facilities in
certain State
institutions.

71. (1) The Government of State of Uttar Pradesh or Uttaranchal, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments before the 1st day of December, 2001 or if no agreement is reached by the said date as may be fixed by order of the Central Government.

(2) The Central Government may, at any time before the 1st day of December, 2001, by notification in the Official Gazette, specify in the Tenth Schedule referred to in sub-section (1) any other institution existing on the appointed day in the States of Uttar Pradesh and Uttaranchal and on the issue of such notification, such Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

Provisions
relating to All-
India Services.

72. (1) In this section, the expression "State Cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules 1954;

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954; and

(c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Uttar Pradesh, there shall, on and from the appointed day, be two separate cadres, one for the State of Uttar Pradesh and the other for the State of Uttaranchal in respect of each of these services.

(3) The initial strength and composition of the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said services borne on the Uttar Pradesh cadre thereof immediately before the appointed day shall be allocated to the State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Services Act, 1951, or the rules made thereunder.

61 of 1951.

Provisions
relating to
other services.

73. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Uttar Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Uttar Pradesh unless he is

required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Uttaranchal:

Provided that every direction under this sub-section issued after the expiry of a period of one year from the appointed day shall be issued with the consultation of the Governments of the successor States.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

74. (1) Nothing in this section or in section 73 shall be deemed to affect on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Other provisions relating to Services.

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Uttar Pradesh or to the State of Uttaranchal under section 73 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person,—

(a) if he is deemed to have been allocated to any State under section 73, shall be deemed to have been rendered in connection with the affairs of that State;

(b) if he is deemed to have been allocated to the Union in connection with the administration of the Uttaranchal, shall be deemed to have been rendered in connection with the affairs of the Union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 73, shall not apply in relation to members of any All-India Service.

75. (1) Every person who, immediately before the appointed day is holding or discharging the duties of any post or office in connection with the affairs of the existing State of Uttar Pradesh in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or any other appropriate authority in that successor State:

Provisions as to continuance of officers in same post.

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

76. The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

Advisory Committees.

(a) the discharge of any of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

Power of
Central
Government to
give
directions.

77. The Central Government may give such directions to the State Government of Uttar Pradesh and the State Government of Uttaranchal as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

Provisions as
to State Public
Service
Commission.

78. (1) The Public Service Commission for the existing State of Uttar Pradesh shall, on and from the appointed day, be the Public Service Commission for the State of Uttar Pradesh.

(2) The persons holding office immediately before the appointed day as the Chairman or other member of the Public Service Commission for the existing State of Uttar Pradesh shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the Public Service Commission for the State of Uttar Pradesh.

(3) Every person who becomes the Chairman or other member of the Public Service Commission for the State of Uttar Pradesh on the appointed day under sub-section (2), shall—

(a) be entitled to receive from the Government of the State of Uttar Pradesh conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Uttar Pradesh Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Uttar Pradesh and Uttaranchal, and the Governor of the State of Uttar Pradesh shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Uttar Pradesh and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Uttaranchal.

PART IX

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

Water
Resources
Development
and its
Management.

79. (1) Notwithstanding anything contained in this Act but subject to the provisions of section 80, all rights and liabilities of the existing State of Uttar Pradesh in respect of water resource projects in relation to—

(i) Ganga and its tributaries traversing the successor States excluding the Upper Yamuna River up to Okhla; and

(ii) Upper Yamuna River and its tributaries up to Okhla,

shall, on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed, and subject to such adjustments as may be made, by agreement entered into by the said States after consultation with the Central Government, or, if no such agreement is entered into within two years of the appointed day, then, the Central Government may, by order, determine within one year having regard to the purposes of the project:

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government.

(2) An agreement or order referred to in sub-section (1) shall, where an extension or further development of any of the projects referred to in that sub-section after the appointed day is undertaken, be the rights and liabilities of the successor States in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-sections (1) and (2) shall include—

(a) the right to receive and utilise the water available for distribution as a result of the projects; and

(b) the right to receive and utilise the power generated as a result of the projects,

but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of the existing State of Uttar Pradesh with any person or authority other than Government.

80. (1) The Central Government shall constitute a Board to be called the Ganga Management Board (hereinafter referred to as the Board) for administration, construction, maintenance and operation of projects referred to in sub-section (1) of section 79 for any or for a combination of the following purposes, namely:—

Constitution and functions of the Ganga Management Board.

(i) irrigation;

(ii) rural and urban water supply;

(iii) hydro power generation;

(iv) navigation;

(v) industries; and

(vi) for any other purpose which the Central Government may, by notification in the Official Gazette, specify.

(2) The Board shall consist of—

(a) a whole-time Chairman to be appointed by the Central Government in consultation with the successor States;

(b) two full time members, one from each of the successor States, to be nominated by the respective State Government;

(c) four part-time members, two from each of the successor States, to be nominated by the respective State Government;

(d) two representatives of the Central Government to be nominated by that Government.

(3) The functions of the Board shall include—

(a) the regulation of supply of water from the projects referred to in clause (i) of sub-section (1) of section 79 to the successor States having regard to—

(i) any agreement entered into or arrangement made covering the Government of existing State of Uttar Pradesh and any other State or Union territory, and

(ii) the agreement or the order referred to in sub-section (2) of section 79;

(b) the regulation of supply of power generated at the projects referred to in clause (i) of sub-section (1) of section 79, to any Electricity Board or other authority in-charge of the distribution of power having regard to—

(i) any agreement entered into, or arrangement made covering the Government of the existing State of Uttar Pradesh and any other State or Union territory, and

(ii) the agreement or the order referred to in sub-section (2) of section 79;

(c) the construction of such of the remaining on-going or new works connected with the development of the water resources projects relating to the rivers or their tributaries as the Central Government may specify by notification in the Official Gazette;

(d) such other functions as the Central Government may, after consultation with the successor States entrust to it.

Staff of the
Management
Board.

81. (1) The Board may employ such staff, as it may consider necessary for the efficient discharge of its functions under this Act. Such staff shall at the first instance, be appointed on deputation from the successor State failing which through any other method:

Provided that every person who, immediately before the constitution of the said Board, was engaged in the construction, maintenance or operation of the works relating to the projects referred to in clause (i) of sub-section (1) of section 79 shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government, by order, directs otherwise:

Provided further that the said Board may in consultation with the Government of the successor State or the Electricity Board concerned and with the prior approval of the Central Government, retain any such person for service under that State Government or Board.

(2) The Government of the successor States shall at all times provide the necessary funds to the Board to meet all expenses (including the salaries and allowances of the staff) required for the discharge of its functions and such amounts shall be apportioned between the States concerned in such proportion as the Central Government may, having regard to the benefits to each of the said States, specify.

(3) The Board shall be under the control of the Central Government and shall comply with such directions, as may, from time to time, be given to it by that Government.

(4) The Board may delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(5) The Central Government may, for the purpose of enabling the Board to function efficiently, issue such directions to the State Governments concerned, or any other authority, and the State Governments, or the other authority shall comply with such directions.

Jurisdiction of
the Board.

82. (1) The Board shall, ordinarily exercise jurisdiction in regard to any of the projects referred to in clause (i) of sub-section (1) of section 79 over headworks (barrages, dams, reservoirs, regulating structures), part of canal network and transmission lines necessary to deliver water or power to the States concerned.

(2) If any question arises as to whether the Board has jurisdiction under sub-section (1) over any project referred thereto, the same shall be referred to, the Central Government for decision thereon.

Power of
Board to make
regulations.

83. The Board may make regulations consistent with the Act and the rules made thereunder, to provide for—

(a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;

(b) delegation of powers and duties of the Chairman or any officer of the Board;

(c) the appointment and regulation of the conditions of service of the officers and other staff of the Board;

(d) any other matter for which regulations are considered necessary by the Board.

Allocation of
the water
resources of
the River
Yamuna.

84. (1) The utilisable water resources of the Yamuna river upto Okhla, as allocated, before the appointed day, to the existing State of Uttar Pradesh under the Memorandum of Undertakings, dated the 12th May, 1994 shall be further allocated between the successor States by mutual agreement within a period of two years, failing which, the Central Government shall, by order, determine the allocation of such water resource between the successor States within a further period of one year.

(2) The State of Uttaranchal shall, on the appointed day, be inducted as a member of the Upper Yamuna Board constituted for the implementation of the Memorandum of Undertaking referred to in sub-section (1).

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

85. On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (b), for the words "Uttar Pradesh and Madhya Pradesh", the words "Uttar Pradesh, Uttaranchal and Madhya Pradesh" shall be substituted.

Amendment of section 15 of Act 37 of 1956.

U.P. Act 1 of 1961.

86. The provisions of Part II shall not be deemed to have affected any change in the territories to which the Uttar Pradesh Imposition of Ceiling of Land Holding Act, 1961 and any other law in force immediately before the appointed day, extends or applies, and territorial references in any such law to the State of Uttar Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Uttar Pradesh before the appointed day.

Territorial extent of laws.

87. For the purpose of facilitating the application in relation to the State of Uttar Pradesh or Uttaranchal of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Power to adapt laws.

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

88. Notwithstanding that no provision or insufficient provision has been made under section 87 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Uttar Pradesh or Uttaranchal, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to construe laws.

89. The Government of the State of Uttaranchal, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Power to name authorities, etc., for exercising statutory functions.

90. Where, immediately before the appointed day, the existing State of Uttar Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the States of Uttar Pradesh and Uttaranchal under this Act, the State of Uttar Pradesh or Uttaranchal which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Uttar Pradesh or added as a party to those proceedings, and the proceedings may continue accordingly.

Legal proceedings.

91. (1) Every proceeding pending immediately before the appointed day before a court (other than High Court), tribunal, authority or officer in any area which on that day falls within the State of Uttar Pradesh shall, if it is a proceeding relating exclusively to the territory, which as from that day are the territories of Uttaranchal State, stand transferred to the corresponding court, tribunal, authority or officer of that State.

Transfer of pending proceedings.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1) it shall be referred to the High Court at Allahabad and the decision of that High Court shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in the State of Uttaranchal means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority, or officer in that State, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Uttar Pradesh to be the corresponding court, tribunal, authority or officer.

Right of
pleaders to
practise in
certain cases.

92. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Uttar Pradesh shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Uttaranchal.

Effect of
provisions of
the Act
inconsistent
with other
laws.

93. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to
remove
difficulties.

94. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

THE FIRST SCHEDULE

(See section 8)

(i) Of the eleven sitting members whose term of office will expire in November, 2002, namely, Shri Narendra Mohan, Shri Raj Nath Singh, Shri Chaudhary Chunni Lal, Shri Devi Prasad Singh, Shri Manohar Kant Dhyani, Shri Amar Singh, Shri Mohammad Azam Khan, Shri R.N. Arya, Shri Gandhi Azad, Shri Akilesh Das and Shri Balwant Singh Ramoowalia, Shri Manohar Kant Dhyani shall be deemed to have been elected to fill one seat out of the three seats allocated in the Council of States to the State of Uttaranchal and the other ten sitting members shall be deemed to have been elected to fill ten of the seats allotted to the State of Uttar Pradesh.

(ii) Of the twelve sitting members whose term of office will expire in July, 2004, namely, Shri Arun Shourie, Shri T.N. Chaturvedi, Shri B.P. Singhal, Shri Dharam Pal Yadav, Shri Deena Nath Mishra, Shri Ram Gopal Yadav, Shri Kanshi Ram, Shri Sangh Priya Gautam, Shri Munavvar Hasan, Shri Khan Ghufra Zahidi, Shri Syed Akhter Hasan Rizvi, Shri Rama Shanker Kaushik, such one as the Chairman of the Council of States may determine by drawing lot shall be deemed to have been elected to fill one of the seats allotted to the State of Uttaranchal and the other eleven sitting members shall be deemed to have been elected to fill eleven of the seats allotted to the State of Uttar Pradesh.

(iii) Of the eleven sitting Members representing the State of Uttar Pradesh whose term of office will expire on 2nd April, 2006, such one as the Chairman of the Council of States may determine by drawing lot shall be deemed to have been elected to fill one of the seats allotted to the State of Uttaranchal.

THE SECOND SCHEDULE

(See section 10)

AMENDMENTS TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1976

In the Delimitation of Parliamentary and Assembly Constituency Order, 1976,—

1. In Schedule XXII,—

(i) in PART A—Parliamentary Constituencies,—

(a) serial numbers 1, 2, 3, 4 and 85 and entries relating thereto shall be omitted;

(b) in serial number 12 at the end, the following figures and word shall be inserted, namely:—

"56—Baheri";

(c) in serial number 82 at the end, the following figures and word shall be inserted, namely:—

"416—Deoband";

(d) in serial number 84 at the end, the following figures, brackets and letters shall be inserted, namely:—

"415—Nagal (SC)";

(ii) in PART B—Assembly Constituencies,—

serial numbers 1 to 16 (both inclusive) and 420 to 425 (both inclusive) and the entries relating thereto shall be omitted.

2. After Schedule XXII, the following shall be inserted, namely:—

"SCHEDULE XXIIA

UTTARANCHAL

PART A.—Parliamentary Constituencies

Serial No. Name and extent in terms of assembly Constituencies

1. Tehri Garhwal.—1-Uttar Kashi (SC), 2-Tehri, 3-Deoprayag, 4-Mussoorie and 5-Chakrata (ST).
2. Garhwal.—6-Lansdowne, 7-Pauri, 8-Karanprayag, 9-Badri-Kedar and 10-Dehra Dun.
3. Almora.—11-Didihat, 12-Pithoragarh, 13-Almora, 14-Bageshwar (SC) and 15-Ranikhet.
4. Naini Tal.—16-Naini Tal, 17-Khatima (SC), 18-Haldwani and 19-Kashipur.
5. Hardwar (SC).—20-Roorkee, 21-Lhaksar and 22-Hardwar."

PART B.—Assembly Constituency

Serial No. Name and extent of Constituency

The detailed particulars regarding the name and extent of the Constituencies in each of the districts in the State of Uttaranchal shall be as delimited by the Election Commission."

THE THIRD SCHEDULE

(See section 19)

MODIFICATION IN THE DELIMITATION OF COUNCIL CONSTITUENCIES
(UTTAR PRADESH) ORDER, 1951

For the table appended to the Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951, the following table shall be substituted, namely: —

"TABLE

Name of Constituency	Extent of Constituency	Number of Seats
1	2	3
Graduates' Constituencies		
1. Bareilly-Moradabad Division Graduates	Bareilly, Pilibhit, Shahjahanpur, Badaun, Rampur, Moradabad, Jyotibaphule Nagar and Bijnor districts.	1
2. Lucknow Division Graduates	Lucknow, Hardoi, Kheri, Sitapur, Barabanki, Rae Bareilly and Pratapgarh districts.	1
3. Gorakhpur-Faizabad Division Graduates	Bahraich, Shravasti, Gonda, Balrampur, Basti, Siddharthnagar, Santkaber Nagar, Gorakhpur, Maharajganj, Deoria, Kushinagar, Azamgarh, Mau, Sultanpur, Faizabad and Ambedkarnagar districts.	1
4. Varanasi Division Graduates	Ballia, Gazipur, Jaunpur, Varanasi, Chandauli, Sant Ravidas Nagar, Mirzapur and Sonbhadra districts.	1
5. Allahabad-Jhansi Division Graduates	Allahabad, Kaushambi, Fatehpur, Banda, Chitrakoot, Hamirpur, Mahoba, Jalaun, Jhansi and Lalitpur districts.	1
6. Kanpur Graduates	Kanpur Nagar and Kanpur Dehat and Unnao Districts.	1
7. Agra Division Graduates	Agra, Firozabad, Mathura, Aligarh, Hathras, Etah, Mainpuri, Etawah, Kannauj, Auraiya and Farrukhabad districts.	1
8. Meerut Division Graduates	Bulandshahar, Ghaziabad, Gautambuddhnagar, Meerut Bagpat, Muzaffarnagar and Saharanpur districts.	1
Teachers' Constituencies		
1. Bareilly-Mordabad Division Teachers	Bareilly, Pilibhit, Shahjahanpur, Badaun, Rampur, Mordabad, Jyotibaphule Nagar, and Bijnor districts.	1

1	2	3
2. Lucknow Division Teachers	Lucknow, Hardoi, Kheri, Sitapur, Barabanki, Rae Bareli, and Pratapgarh districts.	1
3. Gorakhpur-Faizabad Division Teachers	Bahraich, Shravasti, Gonda, Balrampur, Basti, Siddarthnagar, Santkabar Nagar, Gorakhpur, Maharajganj, Deoria, Kushinagar, Azamgarh, Mau, Sultanpur, Faizabad and Ambedkarnagar districts.	1
4. Varanasi Division Teachers	Ballia, Gazipur, Jaunpur, Varanasi, Chandauli, Sant Ravidas Nagar, Mirzapur and Sonbhadra districts.	1
5. Allahabad-Jhansi Division Teachers	Allahabad, Kaushambi, Fathepur, Banda, Chitrakoot, Hamirpur, Mahoba, Jalaun, Jhansi and Lalitpur districts.	1
6. Kanpur Teachers	Kanpur Nagar and Kanpur Dehat and Unnao districts.	1
7. Agra Division Teachers	Agra, Firozabad, Mathura, Aligarh, Hathras, Etah, Mainpuri, Etawah, Kannauj, Auraiya and Farrukhabad districts.	1
8. Meerut Division Teachers	Bulandshahar, Ghaziabad, Gautambuddhnagar, Bagpat, Meerut, Muzaffarnagar and Saharanpur districts.	1

Local Authorities Constituencies

1. Mordabad -Bijnor Local Authorities	Mordabad, Jyotibaphule Nagar, and Bijnor districts.	1
2. Rampur-Bareilly Local Authorities	Rampur and Bareilly districts.	1
3. Badaun Local Authorities	Badaun district.	1
4. Pilibhit Shahjahanpur Local Authorities	Pilibhit and Shahjahanpur districts.	1
5. Hardoi Local Authorities	Hardoi district.	1
6. Kheri Local Authorities	Kheri district.	1
7. Sitapur Local Authorities	Sitapur district.	1
8. Lucknow-Unnao Local Authorities	Lucknow and Unnao districts.	1
9. Rae Bareli Local Authorities	Rae Bareli district.	1
10. Pratapgarh Local Authorities	Pratapgarh district.	1
11. Sultanpur Local Authorities	Sultanpur district	1

1	2	3
12. Barabanki Local Authorities	Barabanki district.	1
13. Bahraich Local Authorities	Bahraich and Shravasti districts.	1
14. Gonda Local Authorities	Gonda district.	1
15. Faizabad Local authorities	Faizabad and Ambedkarnagar districts.	1
16. Basti-Siddharth Nagar Local Authorities	Basti, Santkabir Nagar and Siddharthnagar districts.	1
17. Gorakhpur-Mahrajganj Local Authorities	Gorakhpur and Mahrajganj districts.	1
18. Deoria Local Authorities	Deoria and Kushinagar districts.	1
19. Azamgarh-Mau Local Authorities	Azamgarh and Mau districts.	1
20. Ballia Local Authorities	Ballia district.	1
21. Ghazipur Local Authorities	Ghazipur district.	1
22. Jaunpur Local Authorities	Jaunpur district.	1
23. Varanasi Local Authorities	Varanasi, Chandauli and Sant Ravidasnagar districts.	1
24. Mirzapur-Sonbhadra Local Authorities	Mirzapur and Sonbhadra districts.	1
25. Allahabad Local Authorities	Allahabad and Kaushambi districts.	1
26. Banda-Hamirpur Local Authorities	Banda, Chitrakoot, Hamirpur and Mahoba districts.	1
27. Jhansi-Jalaun-Lalitpur Local Authorities	Jalaun, Jhansi and Lalitpur districts.	1
28. Kanpur-Fatehpur Local Authorities	Kanpur Nagar and Kanpur Dehat and Fatehpur districts.	1
29. Etawah-Farrukhabad Local Authorities	Etawah, Farrukhabad, Kannauj and Auraiya districts.	1
30. Agra-Firozabad Local Authorities	Agra and Firozabad districts.	1
31. Mathura-Etah-Mainpuri Local Authorities	Mathura, Etah and Mainpuri districts.	2
32. Aligarh Local Authorities	Aligarh and Hathras districts.	1
33. Bulandshahar Local Authorities	Bulandshahar and Gautambuddhnagar districts.	1
34. Meerut-Ghaziabad Local Authorities	Meerut, Bagpat and Ghaziabad districts.	1
35. Muzaffarnagar-Saharanpur Local Authorities	Muzaffarnagar and Saharanpur districts.	1".

THE FOURTH SCHEDULE*(See section 20)*

List of members of the Legislative Council of Uttar Pradesh who shall cease to be such members on the appointed day and deemed to be the members of the Provisional Legislative Assembly:—

1. Shri Nitya Nand Swami.
2. Dr. (Smt.) Indira Hridayesh.
3. Shri Narayan Singh Rana.
4. Shri Tirath Singh Rawat.
5. Shri Sri Prakash Pant.
6. Shri Devendra Shastri.
7. Smt. Nirupama Gaur.
8. Shri Bhagat Singh Koshiyari.
9. Shri Isham Singh.

THE FIFTH SCHEDULE

(See section 24)

AMENDMENT OF THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, after Part XXII, insert the following, namely:—

"PART XXIII—Uttaranchal

1. Agariya
2. Badhik
3. Badi
4. Baheliya
5. Baiga
6. Baiswar
7. Bajaniya
8. Bajgi
9. Balhar
10. Balai
11. Balmiki
12. Bangali
13. Banmanus
14. Bansphor
15. Barwar
16. Basor
17. Bawariya
18. Beldar
19. Beriya
20. Bhanu
21. Blutyia
22. Bhuyiar
23. Boria
24. Chamar, Dhusia, Jhusia, Jatava
25. Chero
26. Dabgar
27. Dhangar
28. Dhanuk
29. Dharkar
30. Dhobi
31. Dom
32. Domar
33. Dusadh
34. Dharmi
35. Dhariya
36. Gond
37. Gwal
38. Habura
39. Hari
40. Hela
41. Kalabaz
42. Kanjar
43. Kapariya

44. Karwal
45. Kharaita
46. Kharwar (excluding Vanwasi)
47. Khatik
48. Kharot
49. Kol
50. Kori
51. Korwa
52. Lalbegi
53. Majhwar
54. Mazhabi
55. Musahar
56. Nat
57. Pankha
58. Parahiya
59. Pasi, Tarmali
60. Patari
61. Sahariya
62. Sanaurhiya
63. Sansiya
64. Shilpkar
65. Turaiha."

THE SIXTH SCHEDULE

(See section 25)

AMENDMENTS TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In the Constitution (Scheduled Tribes) Order, 1950,—

(1) in paragraph 2, for the figures "XIX", the figures "XX" shall be substituted;

(2) in the Schedule, after Part XIX, the following Part shall be inserted, namely:—

"PART XX—Uttaranchal

1. Bhotia.
2. Buksa.
3. Jannsari.
4. Raji.
5. Tharu."

THE SEVENTH SCHEDULE

(See section 47)

LIST OF FUNDS

1. Depreciation Reserve Fund—Irrigation.
2. Depreciation Reserve Fund—Government Press.
3. Depreciation Reserve Fund—Precision Instrument Factory.
4. Rural Development Fund.
5. Famine Relief Fund.
6. Sugar Research and Labour Housing Management Fund.
7. Zamindari Abolition Fund.
8. U. P. Road Fund.
9. Hospital Fund.
10. Teachers Gratuity Fund.
11. State Bridge Fund.
12. General Insurance Fund.
13. Nazul Fund.
14. State Co-operative Development Fund.
15. Agriculture Credit Relief and Security Fund.
16. Farmer Relief Fund.
17. Depreciation Reserve Fund-Power.
18. Contingency Reserve Fund-Power.
19. Sugar Factory Rehabilitation, Modernisation and Establishment Fund.
20. Cane Research and Development Fund.
21. Consolidated Reduction on Debt Fund for State Development Loan and Zamindari Abolition and Compensation Bond.
22. Police House Building Fund.
23. Fourth Class House Building Fund.
24. Government Servant Housing Fund.
25. Balanced Area Development Fund.
26. U.P. Youth Welfare Fund.
27. U.P. Student Welfare Fund.
28. Language Fund.
29. Police Welfare Fund.
30. Acharya Narendra Deo Fund.
31. Calamity Relief Fund.
32. Purvanchal Development Fund.
33. Bundelkhand Development Fund.
34. Loan Assistance Fund for payment of Cane Prices.
35. Relief for Productivity Research and Modernisation of Sick Industrial Units.
36. Secretariat Fund.
37. Vidhayak Nidhi.

THE EIGHTH SCHEDULE

(See section 54)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the successor States shall, in respect of pensions granted before the appointed day by the existing State of Uttar Pradesh, pay the pensions drawn in its treasuries.

2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of the existing State of Uttar Pradesh who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Uttar Pradesh.

3. There shall be computed, in respect of the period commencing on the appointed day and ending on such date after the appointed day, as may be fixed by the Central Government and in respect of each subsequent financial year, the total payments made in all the successor States in respect of pensions referred to in paragraphs 1 and 2. That total representing the liability of the existing State of Uttar Pradesh in respect of pensions shall be apportioned between the successor States in the population ratio and any successor State paying the State paying more than its due share shall be reimbursed the excess amount by the successor State or State paying less.

4. The liability of the existing State of Uttar Pradesh in respect of pensions granted before the appointed day and drawn in any area outside the territories of the existing State shall be the liability of the State of Uttar Pradesh subject to adjustments to be made in accordance with paragraph 3 as if such pensions had been drawn in any treasury in the State of Uttar Pradesh under paragraph 1.

5. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of the existing State of Uttar Pradesh and retiring on or after that day, shall be that of the successor State granting him the pension; but the portion of the pension attributable to the service of any such officer before the appointed day in connection with the affairs of the existing State of Uttar Pradesh shall be allocated between the successor States in the population ratio, and the Government granting the pension shall be entitled to receive from each of the other successor States its share of this liability.

(2) If any such officer was serving after the appointed day in connection with the affairs of more than one successor State other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service of such officer after the appointed day reckoned for the purposes of pension.

6. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

THE NINTH SCHEDULE

(See section 66)

LIST OF GOVERNMENT COMPANIES

S. No.	Name of Government Company	Address
1.	Uttar Pradesh Bhumi Sudhar Nigam Ltd.	Bhumitra Bhawan, 19-B, Vibhuti Khand, Gomati Nagar, Lucknow.
2.	Uttar Pradesh Agro Industrial Corporation Ltd.	22, Vidhan Sabha Marg, Lucknow.
3.	Uttar Pradesh Alpasankhyak Vittiya Nigam Ltd.	7th Floor, Jawahar Bhawan, Lucknow.
4.	Uttar Pradesh Electronic Corporation Ltd.	Nav Chetna Kendra, Ashok Marg, Lucknow.
5.	Uttar Pradesh Jal Vidyut Nigam Ltd.	12th Floor, Vikas Deep, Station Road, Lucknow.
6.	Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd.	4-B, Gokhle Marg, Lucknow.
7.	Uttar Pradesh Leather Development and Marketing Corporation Ltd.	16/58-A, Sadar Bhati Road, Agra.
8.	Uttar Pradesh Export Corporation Ltd.	2, Rana Pratap Marg, Lucknow.
9.	Uttar Pradesh State Food and Essential Commodities Corporation Ltd.	17, Gokhle Marg, Lucknow.
10.	Uttar Pradesh Small Industries Corporation Ltd.	110, Industrial Estate, Fazalganj, Kanpur.
11.	Uttar Pradesh State Handloom Corporation Ltd.	Hathkargha Bhawan, G.T. Road, Kanpur.
12.	Uttar Pradesh Police Awas Nigam Ltd.	A-81, Vijay Khand-II, Gomati Nagar, Lucknow.
13.	Provincial Industrial Investment Corporation of Uttar Pradesh (PICUP) Ltd.	PICUP Bhawan, Gomati Nagar, Lucknow.
14.	The Indian Turpentine and Rosin Company Ltd.	Culcuttarbuckganj, Bareilly.
15.	Uttar Pradesh State Cement Corporation Ltd.	Churk, Sonbhadra.
16.	Uttar Pradesh State Mineral Development Corporation Ltd.	Kapurthal Complex, Aliganj, Lucknow.
17.	Uttar Pradesh State Taxtile Corporation Ltd.	Vastra Bhawan, Sharda Nagar, Kanpur.
18.	Uttar Pradesh State Industrial Development Corporation Ltd.	A-1/4, Lakhanpur, P.O. Box No. 1150, Kanpur.
19.	Uttar Pradesh Project and Tubewells Corporation Ltd.	Left Bank, Gomati Bairaj, Gomati Nagar, Lucknow.
20.	Uttar Pradesh Mahila Kalyan Nigam Ltd.	B-2/5, Vikas Khand, Gomati Nagar, Lucknow.
21.	Uttar Pradesh Matsya Vikas Nigam Ltd.	4/13-14, Vivek Khand, Gomati Nagar, Lucknow.

S. No.	Name of Government Company	Address
22.	Uttar Pradesh Panchayati Raj Vitta Nigam Ltd.	C-232, Niralanagar, Lucknow.
23.	Uttar Pradesh Pashudhan Udyog Nigam Ltd.	Central Dairy Farm, Aligarh.
24.	Uttar Pradesh Pichhara Varg Vitta Evam Vikas Nigam Ltd.	PCF Building, 4th Floor, Station Road, Lucknow.
25.	Uttar Pradesh Poultry and Livestock Specialities Ltd.	Campus Animal Husbandry, Badshahbagh, Lucknow.
26.	Uttar Pradesh Development Systems Corporation Ltd.	9, Sarojini Naidu Marg, Lucknow.
27.	Uttar Pradesh State Bridge Corporation Ltd.	16, Madan Mohan Malviya Marg, Lucknow.
28.	Uttar Pradesh Rajkiya Nirman Nigam Ltd.	Vishveshwariya Bhawan, Gomati Nagar, Lucknow.
29.	Uttar Pradesh Anusuchit Jati/Janjati Vikas Nigam Ltd.	B-912, Sector C. Mahanagar, Lucknow.
30.	Uttar Pradesh Samaj Kalyan Nirman Nigam Ltd.	Lekhranj Market, Indira Nagar, Lucknow.
31.	Uttar Pradesh Bhootpurva Sainik Kalyan Nigam Ltd.	54-X, Jopling Road, Lucknow.
32.	Uttar Pradesh (Madhya) Ganna Beej Vikas Nigam Ltd.	New Berry Road, Near Deputy Cane Commissioner's Office, Lucknow.
33.	Uttar Pradesh (Paschim) Ganna Beej Vikas Nigam Ltd.	Circular Road, Near Ganna Kisan Sansthan, Muzaffarnagar.
34.	Uttar Pradesh (Poorva) Ganna Beej Vikas Nigam Ltd.	HIG-VI, Acharya Ram Chandra Shukla Nagar, Deoria.
35.	Uttar Pradesh (Rohilkhand Terai) Ganna Beej Vikas Nigam Ltd.	26-27, B.D.A. Colony, Shahamatganj, Barielly.
36.	Uttar Pradesh State Sugar Corporation Ltd.	Vipin Khand, Near Taj Hotel, Gomati Nagar, Lucknow.
37.	Uttar Pradesh Tourism Corporation Ltd.	Chitrahara-3, Nawal Kishore Road, Lucknow.
38.	Garhwal Mandal Vikas Nigam Ltd.	74, Rajpur Road, Dehradun.
39.	Kumaon Mandal Vikas Nigam Ltd.	Oak Park House, Malli Tal, Nainital.
40.	Uttar Pradesh Hill Electronics Corporation Ltd.	B-2/140, Vishal Khand Gomati Nagar, Lucknow.
41.	Uttar Pradesh Waqf Vikas Nigam Ltd.	First Floor, 118, Jawahar Bhawan, Lucknow.
42.	Uttar Pradesh Seed and Terai Development Corporation Ltd.	Haldi, Pantnagar, Udhamasinghnagar.
43.	Kumaon Anusuchit Janjati Vikas Nigam Ltd.	Raj Mahal Hotel Campus, Mallital, Nainital.
44.	Garhwal Anusuchit Janjati Vikas Nigam Ltd.	74, Rajpur Road, Dehradun.

THE TENTH SCHEDULE

(See section 71)

CONTINUANCE OF FACILITIES IN CERTAIN STATE INSTITUTIONS

List of Training Institutions/Centres

1. Uttar Pradesh Academy of Administration, Nainital
2. Uttar Pradesh State Observatory, Nainital
3. Institute of Management Development Uttar Pradesh, Lucknow
4. Judicial Training and Research Institute, Lucknow
5. Dr. B. R. Ambedkar Police Academy, Moradabad
6. Police Training College-II, Moradabad
7. Police Training College-III, Gorakhpur
8. Armed Training Centre, Sitapur
9. Police Training College, Moradabad
10. Police Training College, Gorakhpur
11. Recruit Training Centre, Chunar, Mirzapur
12. Police Training College, Unnao
13. Sampurnanand Prison Training Institute, Lucknow
14. Secretariat Training and Management Institute, Lucknow
15. Raja Todarmal Survey and Land Records Institute, Hardoi
16. Land Consolidation Training College, Ayodhya, Faizabad
17. State Engineers' Training Institute, Kalagarh
18. U. P. Water and Land Management Institute, Lucknow
19. Institute of Financial Management Training and Research, Lucknow
20. Cooperative and Panchayat Audit Training Centre, Ayodhya, Faizabad
21. Local Funds Accounts and Audit Training Institute, Allahabad
22. Trade Tax Officers' Training Institute, Lucknow
23. State Electricity Board Training Institute, Dehradun
24. U.P. State Electricity Board Staff College, Dehradun
25. Thermal Power Training Institute, UPSEB, Obra, Sonbhadra
26. Central Civil Defence Training Institute, Lucknow
27. Deen Dayal Upadhyay State Institute of Rural Development, Bakshi Ka Talab, Lucknow
28. Minor Irrigation Management and Water Management Training Institute, Bakshi Ka Talab, Lucknow
29. Smt. Indira Gandhi Cooperative Institute, Lucknow
30. Cooperative Training College, Dehradun
31. Agriculture Cooperative Staff Training Institute, Lucknow

32. Institute of Cooperative, Corporate Management Research and Training, Indira Nagar, Lucknow
33. U. P. Cane Development Institute, Lucknow
34. Uttar Pradesh State Transport Corporation Training Institute, Kanpur
35. Uttar Pradesh State Education Research and Training Board, Allahabad
36. Scheduled Castes and Scheduled Tribes Research and Training Institute, Lucknow
37. Hotel Management and Catering Institute, Dehradun
38. Research, Development and Training Institute, Kanpur
39. Uttar Pradesh Excise Training Institute, Rae Bareilly
40. Central Workers Education Board, Kanpur
41. State Institute of Health and Family Welfare, Indira Nagar, Lucknow
42. Office of the Inspector of Officers, U.P. Allahabad
43. State Planning Institute, Training Division, Kalakankar House, Old Hyderabad, Lucknow
44. Institute of Entrepreneurship Development, Lucknow
45. Hotel Management and Catering Institute, Almora
46. Moti Lal Nehru Regional Engineering College, Allahabad
47. State Architecture College, Lucknow
48. Central Textile Institute, Kanpur
49. Institute of Engineering and Rural Technology, Allahabad
50. Northern Regional Institute of Printing Technology, Allahabad
51. Khadi and Gramodyog Board, 8, Tilak Marg, Lucknow
52. Dr. Ambedkar Institute of Technology for Handicapped, Kanpur
53. Government Leather Institute, Agra
54. Government Leather Institute, Kanpur
55. Joint Entrance Examination Council, Lucknow

STATEMENT OF OBJECTS AND REASONS

In his Address delivered to Parliament on the 25th day of October, 1999, the President stated that necessary action would soon be initiated for the creation of a new State of Uttaranchal. The Bill seeks to give effect to that commitment. The bill aims at reconstituting the existing State of Uttar Pradesh into two separate States.

2. The Bill provides for the territories of the two States and makes the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters. The bill also contains a clause for the continuance of the present level of ceilings on land holding, as applicable in the existing State of Uttar Pradesh, in the successor States.

3. The proposed reorganisation of the existing State of Uttar Pradesh will meet the democratic aspirations of the people of Uttaranchal.

NEW DELHI;

L.K. ADVANI.

The 14th May, 2000.

Notes on clauses

Clause 2-Sub-clause (h)—According to 1991 census, the population of the existing State of Uttar Pradesh is 1391.12 lakhs, the population of residuary State of Uttar Pradesh is about 1320.62 lakhs and that of Uttaranchal is 70.45 lakhs. The population ratio between the States has been indicated as 1321:70 on that basis.

Clause 3 provides for the formation of the new State of Uttaranchal by transfer thereto 13 districts of the existing State of Uttar Pradesh.

Clause 5 seeks to make consequential amendments in the First Schedule to the Constitution.

Clause 6 expressly saves the power of the State Governments of successor States to alter thereafter the name, area or boundaries of any district or other territorial division within the State.

Clauses 7 and 8 deal with the representation of Uttar Pradesh and Uttaranchal in the Council of States (Rajya Sabha). At present there are 34 members representing the existing State of Uttar Pradesh in Rajya Sabha. Since Himachal Pradesh has 3 seats and has more or less similar population as that of the proposed new State of Uttaranchal, it is proposed that 3 out of 34 seats may be allocated to Uttaranchal. There is, at present only one member representing the Uttaranchal region. This member along with two more members out of the remaining members (to be decided as prescribed in the First Schedule) will be deemed to have been allocated to Uttaranchal.

Clauses 9 and 11 deal with the representation of successor States, Uttar Pradesh and Uttaranchal, in the House of People. There are at present 85 members representing the existing State of Uttar Pradesh in the House of the People. The number of seats proposed to be allocated to Uttaranchal is 5 and the remaining 80 members will continue to represent the State of Uttar Pradesh. Consequential amendments will be made in the First Schedule to Representation of People Act, 1950.

Clause 10 seeks to make modifications in the First Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 in view of the formation of the new State of Uttaranchal and the transfer of certain territories from the existing State of Uttar Pradesh. It may be mentioned here that 3 out of the 5 constituencies totally lie within the proposed territory of Uttaranchal. In the case of one Parliamentary constituency, namely Nainital, one Assembly Segment of Baheri, lies outside the territorial extent of the proposed new State. In the case of Haridwar Parliamentary Constituency, two assembly segments, namely Nagal and Deoband will fall outside the territory of Uttaranchal.

Clauses 12 and 13: At present there are 425 elected members in the Legislative Assembly of Uttar Pradesh and one member is nominated under article 333 of the Constitution. Out of 425 members, 403 members have been allotted to the residuary State of Uttar Pradesh and 22 members to the successor State of Uttaranchal. The nominated member may be deemed to have been nominated to the Legislative Assembly of Uttar Pradesh.

The allocation of seats in this case also has been based on the territorial location of the constituencies concerned. Necessary consequential amendments have been made in the Second Schedule to the Representation of the People Act, 1950.

Clause 14: The Uttaranchal Assembly as on the appointed day would have 22 elected members of the Legislative Assembly and 9 members of Legislative Council of existing State of Uttar Pradesh, making the total membership as 31. This number is not only insufficient for effective governance but also varies from the article 170 of the Constitution which provides for a minimum number of 60 MLAs. Hence it is proposed that this Assembly as it comes into being on the appointed day would be treated as "Provisional". The term of office of this Provisional Legislative Assembly shall expire immediately before the first meeting of the 60 members Legislative Assembly, unless the said Legislative Assembly is sooner dissolved.

Clauses 15 to 17 give the duration of the Legislative Assembly of Uttar Pradesh, provisions regarding the Speaker and the Deputy Speaker for Uttar Pradesh and Uttaranchal and rules of procedure to be adopted for conduct of business of the Uttaranchal Assembly.

Clause 18 to 21 and the Third and the Fourth Schedules deal with the Legislative Council of Uttar Pradesh. At present there are 108 members in the Council. It is proposed not to have any Legislative Council in the State of Uttaranchal and the strength of the Legislative Council of Uttar Pradesh has been reduced from 108 to 99. Modifications in the Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951 would be carried out as in the Third Schedule to the Bill.

There are 9 members in the Legislative Council representing constituencies located wholly in Uttaranchal. It is proposed that members representing such constituencies should cease to be member of that Council. The names of such members are listed in the Fourth Schedule. The remaining 101 members would continue as such till expiry of their term in Uttar Pradesh Legislative Council.

Necessary consequential amendments will be made in the Third Schedule to the Representation of the People Act, 1950.

Clauses 22 and 23 are meant to empower the Election Commission to determine the reservation status of Assembly seats and the adjustments in boundaries and description of the extent of Assembly and Parliamentary Constituencies in both the successor States.

Clauses 24 and 25 and the Fifth and the Sixth Schedules. In view of the formation of the new State of Uttaranchal, amendments providing for the list of SCs and STs applicable to Uttaranchal are necessary in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1960. Necessary modifications have been set out in the Fifth and Sixth Schedules to the Bill.

Clauses 26 to 38 deal with the provisions for separate High Courts for the States of Uttar Pradesh and Uttaranchal, their powers and functions, jurisdiction and the practice and procedure to be followed by them.

Clause 39 in order that the administration of the new State of Uttaranchal can be carried on until the legislature of that State has sanctioned expenditure from the Consolidated Fund of that State, and passed the necessary Appropriation Act, provision has been made in this clause for the Governor of Uttar Pradesh to authorise at any time before the appointed day such expenditure as he thinks necessary for a period of six months from the date. A similar power is conferred on the Governor of Uttaranchal after the appointed day.

Clause 40 contains the usual provision that the reports of the Comptroller and Auditor-General of India for any period prior to the appointed day should be submitted to the Governors of Uttar Pradesh and Uttaranchal and empowers the President to take such further action as may be appropriate under the circumstances.

Clause 41 seeks to empower the President to determine the share of the States of Uttar Pradesh and Uttaranchal in the total amount payable to the existing State of Uttar Pradesh on the recommendations of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

Clauses 42 to 62 relate to apportionment of assets and liabilities of the State of Uttar Pradesh among the successor States and are guided by the following principles:—

- (i) Going by natural, cardinal principles of succession, all the assets and liabilities should be apportioned in the ratio of population. The particular assets and liabilities to be transferred should be identified on considerations of nexus, proximity and expediency. Consistent with the requirement that the successor States should have full and mutually exclusive executive/legislative control on all subjects having

a direct territorial nexus within their territories, all the physical assets and liabilities, may not be suitable for allocation of financial assets and liabilities which should preferably be allocated by overall valuation and apportionment on the basis of population ratio. Further, the financial assets in the nature of rights to receive moneys (whether by way or arrears of tax or non tax revenue or by way of recovery of loans) are to be apportioned on considerations of territorial nexus with the persons from whom the moneys are receivable. Other assets and liabilities may be apportioned primarily on the basis of territorial nexus, failing which on the basis of population.

(ii) The apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of assets and liabilities amongst the successor States.

(iii) All liabilities on account of Public Debt and Public Account of the existing State of Uttar Pradesh outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is adopted under specific provisions of this Act. The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India. Till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Uttar Pradesh shall continue to be the liabilities of the successor State of Uttar Pradesh. As an exception, the liability on account of loans raised and re-lent by the predecessor Government to such entities as are notified by the Central Government and whose area of operation is confined to either of the successor States would devolve on the respective States.

(iv) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by Central Government on the advice of the Comptroller and Auditor-General of India.

(v) The outstanding Public Debt attributable to loans raised by the issue of Government securities and held by (General) public is sought to be retained in the books of Uttar Pradesh (Successor) and Uttaranchal is expected to contribute its share of servicing and repayment of the debt. The outstanding Public Debt attributable to loans received from Central Government agencies and re-lent to other bodies in the State is sought to be allocated on the basis of ultimate borrowers.

(vi) Subject to legislation by competent legislature, the successor States would be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States would be liable to bear the responsibilities and liabilities arising out of the decisions taken by the predecessor State.

(vii) The liability of paying Retirement Benefits and Provident Fund balances to employees should be allocated on the basis of permanent allocation of the Government servants.

(viii) Contractual liabilities other than those of loans, guarantees, bank balance, securities and other financial obligation are sought to be allocated on the basis of the exclusive purpose of the contract or through agreement.

(ix) The right to recovery of loans and taxes would vest in the States according to the principal place of business/occupation of the loanee or assessee. The liabilities to refund any tax or duty on property including and revenue as also the right to collect arrears of tax or duty on property including land revenue would be allocated on the basis of the location of the taxed property.

(x) Items lying in suspense which are ultimately found to affect assets or liabilities may be dealt with according to the allocation of that asset/liability.

(xi) The liability on account of loans raised from any source and re-lent by the existing State of Uttar Pradesh to such entities as are notified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States.

(xii) The balances in the Reserve Funds in the Public Account of Uttar Pradesh created wholly out of appropriations from the Consolidated Fund of Uttar Pradesh, to the extent the balances have not been invested outside Government account should not be carried forward to similar Reserve Funds in the Public Account of Uttar Pradesh and Uttaranchal. The securities held in respect of investments made from Cash Balance Investment Account or from any fund in the Public Account of Uttar Pradesh shall be apportioned in the ratio of population of the successor States.

Clause 63 enables the Uttar Pradesh Power Corporation Limited, Uttar Pradesh Jal Vidyut Nigam Limited, Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, Uttar Pradesh Electricity Regulatory Commission and the Uttar Pradesh State Warehousing Corporation to continue to function in the same areas as at present, even after the formation of the State of Uttaranchal, i.e. on or after the appointed day. As and when the State of Uttaranchal and the residuary State of Uttar Pradesh set up their own Corporations, Electricity Regulatory Commission and Warehousing Corporation, etc., the existing entities will be dissolved and their assets and liabilities shall be transferred to the corresponding new entities in a manner specified in the Act.

The clause also prescribes the time period and manner of allocating and discharging the unpaid dues of coal supplied to the successor organisation of the State Electricity Board by any Public Sector Coal Company.

Clause 64 empowers the Central Government to give direction to the State Government or other Authority concerned to ensure continuance of arrangements of supply of electric power and supply of water.

Clause 65 contemplates that the existing Uttar Pradesh State Financial Corporation will continue to function in the same areas as at present, even after the appointed day, until a scheme is framed in this behalf for the reconstitution, reorganisation or dissolution of the corporation, including proposals regarding the formation of new corporations and transfer thereto of all the assets, rights and liabilities of the existing corporation. Such a scheme has to be approved at a general meeting of all the shareholders and sanctioned by the Central Government. In case of disagreement, the Central Government may refer the scheme to a Judge of the High Court of Uttar Pradesh or Uttaranchal whose decision thereon shall be final.

Clause 66 provides for continuance of functioning on and from the appointed day of the Companies specified in the Ninth Schedule, in the areas in which they were functioning before the appointed day and until otherwise provided for in any law, or in any agreement among successor States or in any direction of the Central Government including those for division of interests and shares in the Companies between successor States, or reconstitution of the Board of Directors so as to ensure adequate representation to the successor States. Therefor, there would be no need to go to the High Court for reconstitution of companies as otherwise required under the Companies Act, 1956.

Clause 67 specified that in case any body corporate becomes an inter-State Corporate body, the same shall continue to function and operate subject to directions as may be issued by the Central Government, until any other provision is made by law in respect of that said body corporate.

Clause 68 inter alia protects the rights of existing road transport permit holders. Any permit holder of undivided Uttar Pradesh would not be required to again get it countersigned by the State Transport Authority of the successor States for use within the validity period. However, Central Government can give directions in this regard, if necessary.

Clause 69 contemplates that in case terms and conditions of service of an existing workman do not change to his disadvantage in the event of his absorption in any State organisation consequent to reorganisation, he would not be entitled to any compensation under the Industrial Dispute Act, 1947.

Clause 70 under section 24 of the Indian Income-Tax Act, 1924, an assessee who sustains a loss of profits or gains is entitled to have the amount of loss set off against his income under certain circumstances. It is proposed to extend the benefit of this section to a body corporate to which the assets, rights and liabilities or any existing body corporate, including any loss sustained by it, are transferred under the provisions of part VII.

Clause 71 provides that facilities in certain State Institutions as listed in the Tenth Schedule will continue to be available to both the successor States for such period as may be agreed upon between the two State Governments.

Clause 72 to 78 are relating to Services. *Clause 72* provides for creation of two separate cadres for the State of Uttar Pradesh and the new State of Uttaranchal for the All-India Services in place of the existing cadre of Uttar Pradesh in respect of the All-India Services. It also confers power on the Central Government to determine the strength and composition of the new cadres and allocate individual officers thereto in consultation with the State Governments concerned. *Clauses 73 to 75* provide for allocation of officers, etc., serving under the Government of Uttar Pradesh between the States of Uttar Pradesh and Uttarakhand. *Clause 78* provides that the Public Service Commission of existing State of Uttar Pradesh would serve the successor State of Uttar Pradesh after the appointed day. The new State of Uttaranchal can constitute its own Public Service Commission under the provisions of Article 315 of the Constitution of India.

Clause 79 envisages that all rights and liabilities relating to water resources projects be the rights and liabilities of the successor States by agreement entered into by such States after consultation with the Central Government and if no agreement is reached within two years of the creation of the two States then the Central Government may determine the same within one year having regard to the purpose of the projects. The rights and liabilities will include the right to receive and utilise the water available for distribution and to utilise the power generated as a result of such projects.

Clause 80 provides for the construction of a Ganga Management Board for administration, construction, maintenance and operation of water resources projects, relating to river systems and as mentioned in clause 79, for Irrigation, Power, water supply, etc. *Clause 80* also provides that the Chairman shall be appointed by the Central Government in consultation with the successor States besides giving the composition and functions of the Board.

Clause 81 provides for the manner of staffing, protection of terms and conditions of employment of staff after reorganisation of the State of Uttar Pradesh, share of the States in management cost, delegation of powers and power of Central Government to give directions to the Board for efficient functioning.

Clause 82 defines the jurisdiction of the Board and further provides that any question on jurisdiction shall be referred to the Central Government for decision thereon.

Clause 83 provides for regulation making powers to the Board with the Act and rules made thereunder. The clause also deals with the manner of allocation of utilisable water resources of river Yamuna upto Okhla and to induct Uttaranchal as a member of the Upper Yamuna Board.

Clause 84 relates to allocation of water resources of the river Yamuna.

Clause 85 to 94 are of miscellaneous and legal nature and they generally follow the corresponding provisions of the State Reorganisation Act, 1956. However, clause 86 has been specifically redrafted to provide for continuance of the present level of ceilings on land holdings, as applicable in the existing State of Uttar Pradesh.

FINANCIAL MEMORANDUM

Clause 41 of the Bill, which deals with distribution of revenues, provides that the President shall, by order, determine the share of the States of Uttar Pradesh and Uttaranchal in the total amount payable to the existing State of Uttar Pradesh on the recommendation of a Finance Commission constituted under article 280 of the Constitution of India, in such manner as he thinks fit. Leaving aside some marginal increase in the administrative expenditure of the departments and agencies of the Central Government in connection with the implementation of the proposed legislation, no additional expenditure will be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 41 of the Bill empowers the President to determine, by order, the share of the States of Uttar Pradesh and Uttaranchal in the total amount payable to the existing State of Uttar Pradesh on the recommendation of a Finance Commission constituted under article 280 of the Constitution of India, in such manner as he thinks fit.

2. Clause 87 of the Bill provides that, for the purpose of facilitating the application in relation to the State of Uttar Pradesh or Uttaranchal of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptation and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

3. Clause 88 of the Bill deals with the power to construe laws. Clause 89 of the Bill deals with the power to name authorities, etc., for exercising statutory functions.

4. Similar provisions exist in other State Reorganisation Acts passed by Parliament earlier. These provisions are mainly of a consequential nature or pertain to matters of detail and procedure. As such, the proposed delegation of legislative powers is of a normal character.

BILL No. 97-F OF 2000

THE BIHAR REORGANISATION BILL, 2000

A Bill to provide for the reorganisation of the existing State of Bihar and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be called the Bihar Reorganisation Act, 2000.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(b) "article" means an article of the Constitution;

(c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950;

(d) "Election Commission" means the Election Commission appointed by the President under article 324;

43 of 1950.

(e) "existing State of Bihar" means the State of Bihar as existing immediately before the appointed day;

(f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Bihar;

(g) "notified order" means an order published in the Official Gazette;

(h) "population ratio", in relation to the States of Bihar and Jharkhand, means the ratio of 645.30:218.44;

(i) "sitting member", in relation to either House of Parliament or of the Legislature of the existing State of Bihar, means a person who immediately before the appointed day, is a member of that House;

(j) "successor State", in relation to the existing State of Bihar, means the State of Bihar or Jharkhand;

(k) "transferred territory" means the territory which on the appointed day is transferred from the existing State of Bihar to the State of Jharkhand;

(l) "treasury" includes a sub-treasury; and

(m) any reference to a district, tahsil or other territorial division of the existing State of Bihar shall be construed as a reference to the area comprised within that territorial division on the appointed day.

PART II

REORGANISATION OF THE STATE OF BIHAR

3. On and from the appointed day, there shall be formed a new State to be known as the State of Jharkhand comprising the following territories of the existing State of Bihar, namely:—

Formation of
Jharkhand
State.

Bokaro, Chatra, Deogarh, Dhanbad, Dumka, Garhwa, Giridih, Godda, Gumla, Hazaribagh, Kodarma, Lohardaga, Pakur, Palamau, Ranchi, Sahebganj, Singhbhum (East) and Singhbhum (West) districts;

and thereupon the said territories shall cease to form part of the existing State of Bihar.

4. On and from the appointed day, the State of Bihar shall comprise the territories of the existing State of Bihar other than those specified in section 3.

State of Bihar
and territorial
divisions
thereof.

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

Amendment of
the First
Schedule to
the
Constitution.

(a) in the paragraph relating to the territories of the State of Bihar, the following shall be added at the end, namely:—

"and the territories specified in section 3 of the Bihar Reorganisation Act, 2000";

(b) after entry 25, the following entry shall be inserted, namely:—

"26. Jharkhand: The territories specified in section 3 of the Bihar Reorganisation Act, 2000."

6. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the Government of Bihar or Jharkhand to alter, after the appointed day, the name, area or boundaries of any district or other territorial division in the State.

Saving powers
of State
Governments.

PART III

REPRESENTATION^a IN THE LEGISLATURES*The Council of States*

Amendment of
the Fourth
Schedule to the
Constitution.

7. On and from the appointed day, in the Fourth Schedule to the Constitution, in the Table,—

- (a) entries 4 to 27 shall be renumbered as entries 5 to 28 respectively;
- (b) in entry 3, for the figures “22” the figures “16” shall be substituted;
- (c) after entry 3, the following entry shall be inserted, namely:—

“4. Jharkhand..... 6”.

Allocation of
sitting
members.

8. (1) On and from the appointed day, the twenty-two sitting members of the Council of States representing the existing State of Bihar shall be deemed to have been elected to fill the seats allotted to the States of Bihar and Jharkhand, as specified in the First Schedule.

(2) The term of office of such sitting members shall remain unaltered.

The House of the People

Representation
in the House
of the People.

9. On and from the appointed day, there shall be allocated 40 seats to the successor State of Bihar, and 14 to the successor State of Jharkhand, in the House of the People and in the First Schedule to the Representation of the People Act, 1950, under heading “I. STATES:”—

43 of 1950.

- (a) for entry 4, the following entry shall be substituted, namely:—

“4. Bihar 53 7 5 40 7

- (b) entries 10 to 25 shall be renumbered as entries 11 to 26 respectively;

- (c) after entry 9, the following entry shall be inserted, namely:—

“10. Jharkhand 14 1 5”.

Delimitation of
Parliamentary
and Assembly
Constituencies.

10. On and from the appointed day, the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall stand amended as directed in the Second Schedule.

Provision as
to sitting
members.

11. (1) Every sitting member of the House of the People representing a constituency which, on the appointed day by virtue of the provisions of section 10, stands allotted, with or without alteration of boundaries, to the successor State of Bihar or Jharkhand, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

(2) The term of office of such sitting members shall remain unaltered.

The Legislative Assembly

Provisions as
to Legislative
Assemblies.

12. (1) The number of seats as on the appointed day in the Legislative Assemblies of the States of Bihar and Jharkhand shall be two hundred and forty-three and eighty-one respectively.

(2) In the Second Schedule to the Representation of the People Act, 1950, under heading “I. States”,—

43 of 1950.

- (a) for entry 4, the following entry shall be substituted, namely:—

“4. Bihar 318 45 29 243 39

- (b) entries 10 to 25 shall be renumbered as entries 11 to 26 respectively;

(c) after entry 9, the following entry shall be inserted, namely:—

“10. Jharkhand 81 9 28”.

13. (1) Every sitting member of the Legislative Assembly of the existing State of Bihar elected to fill a seat in that Assembly from a constituency which on the appointed day by virtue of the provisions of section 10 stands allotted, with or without alteration of boundaries, to the State of Jharkhand shall, on and from that day, cease to be a member of the Legislative Assembly of Bihar and shall be deemed to have been elected to fill a seat in the Legislative Assembly of Jharkhand from that constituency as so allotted.

Allocation of
sitting
members.

(2) All other sitting members of the Legislative Assembly of the existing State of Bihar shall continue to be members of the Legislative Assembly of that State and any such sitting member representing a constituency the extent, or the name and extent of which are altered by virtue of the provisions of section 10 shall be deemed to have been elected to the Legislative Assembly of Bihar by that constituency as so altered.

(3) Notwithstanding anything contained in any other law for the time being in force, the Legislative Assemblies of Bihar and Jharkhand shall be deemed to be duly constituted on the appointed day.

(4) The sitting member of the Legislative Assembly of the existing State of Bihar nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Jharkhand under that article.

14. The period of five years referred to in clause (1) of article 172 shall, in the case of Legislative Assembly of the State of Bihar or Jharkhand be deemed to have commenced on the date on which it actually commenced in the case of Legislative Assembly of the existing State of Bihar.

Duration of
Legislative
Assemblies.

15. (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of the existing State of Bihar shall continue to be the Speaker and Deputy Speaker respectively of that Assembly on and from that day.

Speaker and
Deputy
Speaker.

(2) As soon as may be after the appointed day, the Legislative Assembly of Jharkhand shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

16. The rules of procedure and conduct of business of the Legislative Assembly of Bihar as in force immediately before the appointed day shall, until rules are made under clause (1) of article 208, be the rules of procedure and conduct of business of the Legislative Assembly of Jharkhand, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

Rules of
procedure.

The Legislative Council of Bihar

17. On and from the day on which all the members specified in the Third Schedule retire, there shall be seventy-five seats in the Legislative Council of Bihar, and in the Third Schedule to the Representation of the People Act, 1950, for the existing entry 2, the following entry shall be substituted, namely:—

Legislative
Council of
Bihar.

“2. Bihar 75 24 6 6 27 12”.

18. On and from the appointed day, the Delimitation of Council Constituencies (Bihar) Order, 1951 shall stand amended as directed in the Fourth Schedule.

Council
constituencies.

Provision as to
sitting
members.

19. Notwithstanding anything contained in section 17, all sitting members of the Legislative Council of the existing State of Bihar, shall continue to be members of that Council till they retire on the expiration of their present term of office.

Chairman and
Deputy
Chairman.

20. The person who immediately before the appointed day is the Chairman or Deputy Chairman of the Legislative Council of the existing State of Bihar shall continue to be the Chairman or Deputy Chairman, as the case may be, on and from that day of that Council.

Delimitation of constituencies

Delimitation of
constituencies.

21. (1) For the purpose of giving effect to the provisions of section 12, the Election Commission shall determine in the manner hereinafter provided—

(a) the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States of Bihar and Jharkhand respectively, having regard to the relevant provisions of the Constitution;

(b) the assembly constituencies into which each State referred to in clause (a) shall be divided, the extent of each of such constituencies and in which of them seats shall be reserved for the Scheduled Castes or for the Scheduled Tribes; and

(c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in each successor States that may be necessary or expedient.

(2) In determining the matters referred to in clauses (b) and (c) of sub-section (1), the Election Commission shall have regard to the following provisions, namely:—

(a) all the constituencies shall be single-member constituencies;

(b) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and conveniences to the public; and

(c) constituencies in which seats are reserved for the Scheduled Castes and the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total population is the largest.

(3) The Election Commission shall, for the purpose of assisting it in the performance of its functions under sub-section (1), associate with itself as associate members, five persons as the Central Government may by order specify, being persons who are members of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the associate members shall have a right to vote or to sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled as far as practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette;

and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) As soon as may be after such publication, every such order relating to assembly constituencies shall be laid before the Legislative Assembly of the concerned State.

(7) The delimitation of constituencies in the States of Bihar and Jharkhand shall be determined on the basis of the published figures of the census taken in the year 1971.

22. (1) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistakes in any order made under section 21 or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order or orders is or are altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(2) Every notification under this section relating to an assembly constituency shall be laid, as soon as may be after it is issued, before the concerned Legislative Assembly.

Power of the Election Commission to maintain Delimitation Orders up-to-date.

Scheduled Castes and Scheduled Tribes

23. On and from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Fifth Schedule.

Amendment of the Scheduled Castes Order.

24. On and from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Sixth Schedule.

Amendment of the Scheduled Tribes Order.

PART IV

HIGH COURT

25. (1) On and from the appointed day, there shall be a separate High Court for the State of Jharkhand (hereinafter referred to as the High Court of Jharkhand) and the High Court at Patna shall become the High Court for the State of Bihar (hereinafter referred to as the High Court at Patna).

High Court of Jharkhand.

(2) The principal seat of the High Court of Jharkhand shall be at such place as the President may, by notified order, appoint.

(3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Jharkhand may sit at such other place or places in the State of Jharkhand other than its principal seat as the Chief Justice may, with the approval of the Governor of Jharkhand, appoint.

26. (1) Such of the Judges of the High Court at Patna holding office immediately before the appointed day as may be determined by the President shall on that day cease to be Judges of the High Court at Patna and become Judges of the High Court of Jharkhand.

Judges of High Court.

(2) The persons who by virtue of sub-section (1) become Judges of the High Court of Jharkhand shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointment as Judges of the High Court of Patna.

27. The High Court of Jharkhand shall have, in respect of any part of the territories included in the State of Jharkhand, all such jurisdiction, powers and authorities as, under the law in force immediately before the appointed day, are exercisable in respect of that part of the said territories by the High Court at Patna.

Jurisdiction of High Court.

Special provision relating to Bar Council and Advocates.

28. (1) On and from the appointed day, in the Advocates Act, 1961, in section 3, in sub-section (1), in clause (a), after the words "Jammu and Kashmir", the word "Jharkhand" shall be inserted. 25 of 1961.

(2) Any person who immediately before the appointed day is an advocate on the roll of the Bar Council of the existing State of Bihar may give his option in writing, within one year from the appointed day to the Bar Council of such existing State, to transfer his name on the roll of the Bar Council of Jharkhand and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, on such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of Jharkhand with effect from the date of the option so given for the purposes of the said Act and the rules made thereunder. 25 of 1961.

(3) The person other than the advocates who are entitled immediately before the appointed day, to practise in the High Court at Patna or any subordinate court thereof shall, on and after the appointed day, be recognised as such persons entitled also to practise in the High Court of Jharkhand or any subordinate court thereof, as the case may be.

(4) The right of audience in the High Court of Jharkhand shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of audience in the High Court at Patna.

Practice and procedure in common High Court.

29. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court at Patna shall, with the necessary modifications, apply in relation to the High Court of Jharkhand, and accordingly, the High Court of Jharkhand shall have all such powers to make rules and orders with respect to practice and procedure as immediately before the appointed day exercisable by the High Court at Patna:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court at Patna shall, until varied or revoked by rules or orders made by the High Court of Jharkhand, apply with the necessary modifications in relation to practice and procedure in the High Court of Jharkhand as if made by that court.

Custody of seal of High Court.

30. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court at Patna shall with the necessary modifications, apply with respect to the custody of the seal of the High Court of Jharkhand.

Form of writs and other processes.

31. The law in force immediately before the appointed day with respect to the form of writs and special processes used, issued or awarded by the High Court at Patna shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Jharkhand.

Powers of Judges.

32. The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and division courts of the High Court at Patna with respect to all matters ancillary to the exercise of those powers shall, with the necessary modification, apply in relation to the High Court of Jharkhand.

Procedure as to appeals to Supreme Court.

33. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court at Patna and the Judges and division courts thereof shall, with the necessary modification, apply in relation to the High Court of Jharkhand.

Transfer of proceedings from High Court at Patna to High Court of Jharkhand.

34. (1) Except as hereinafter provided, the High Court at Patna shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

(2) Such proceedings pending in the High Court at Patna immediately before the appointed day as are certified, whether before or after that day, by the Chief Justice of the High Court, having regard to the places of accrual of the cause of action and other circumstances, to be proceedings which are ought to be heard and decided by the High

Court of Jharkhand shall as soon as may be after such certification, be transferred to the High Court of Jharkhand.

(3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 27, but save as hereinafter provided, the High Court at Patna shall have, and the High Court of Jharkhand shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court at Patna before the appointed day:

Provided that if after such proceedings have been entertained by the High Court at Patna, it appears to the Chief Justice of the High Court that they ought to be transferred to the High Court of Jharkhand, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court at Patna—

(a) before the appointed day, in any proceeding to the High Court of Jharkhand by virtue of sub-section (2), or

(b) in any proceedings with respect to which the High Court at Patna retains jurisdiction by virtue of sub-section (3) shall for all purposes have effect, not only as an order of the High Court at Patna, but also as an order made by the High Court of Jharkhand.

35. Any person, who immediately before the appointed day, is an advocate entitled to practice or an attorney entitled to act, in the High Court at Patna and so authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Jharkhand under section 34 shall have the right to appear or to act, as the case may be, in the High Court of Jharkhand in relation to those proceedings.

Right to appear or to act in proceedings transferred to High Court of Jharkhand.

36. For the purposes of section 34—

Interpretation.

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, application for review, petitions for revision and petitions for writs;

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and reference to order made by a court or the Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court of Judge.

37. Nothing in this Part shall affect the application to the High Court of Jharkhand of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

Saving.

PART V

AUTHORISATION OF EXPENDITURE AND DISTRIBUTION OF REVENUES

38. The Governor of Bihar may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Jharkhand as he deems necessary for any period not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislative Assembly of the State of Jharkhand:

Authorisation of expenditure of Jharkhand State.

Provided that the Governor of Jharkhand may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Jharkhand for any period not extending beyond the said period of six months.

Reports
relating to
accounts of
Bihar State.

39. (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the existing State of Bihar in respect of any period prior to the appointed day shall be submitted to the Governor of each of the successor States of Bihar and Jharkhand who shall cause them to be laid before the Legislature of that State.

(2) The President, after considering the views of the State Legislatures of the successor States, may by order—

(a) declare any expenditure incurred out of the Consolidated Fund of Bihar on any service in respect of any period prior to the appointed day during the financial year or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised; and

(b) provide for any action to be taken on any matter arising out of the said reports.

Distribution of
revenue.

40. The President shall, by order, determine the share of States of Bihar and Jharkhand in the total amount payable to the existing State of Bihar on the recommendation of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

Application of
Part.

41. (1) The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the existing State of Bihar immediately before the appointed day.

(2) The successor States shall be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States shall be liable to bear the financial liabilities arising out of the decisions taken by the existing State of Bihar.

(3) The apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of the assets and liabilities amongst the successor States.

(4) Any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order, by the Central Government on the advice of the Comptroller and Auditor-General of India.

Land and
goods.

42. (1) Subject to other provisions of this Part, all land and all stores, articles and other goods belonging to the existing State of Bihar shall,—

(a) if within the transferred territory, pass to the State of Jharkhand; or

(b) in any other case, remain the property of the State of Bihar;

Provided that where the Central Government is of opinion that any goods or class of goods should be distributed between the States of Bihar and Jharkhand, otherwise that according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall pass to the successor States accordingly.

(2) Stores held for specific purposes, such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction, shall pass to the successor States in whose territories such institutions, workshops, undertakings or works are located.

(3) Stores relating to the Secretariat and offices of Heads of Departments having jurisdiction over the whole of the existing State of Bihar shall be divided as may be agreed upon between the successor States, or in default of such agreement, as the Central Government may by order direct for a just and equitable distribution of such stores.

(4) Any other unissued stores of any class in the existing State of Bihar shall be divided between the successor States in proportion to the total stores of that class purchased in the period of three years prior to the appointed day, for the territories of the existing State of Bihar included respectively in each of the successor States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed rupees ten thousand, that class of stores shall be divided between the successor States according to the population ratio.

(5) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

43. The total of the cash balances in all treasuries of the State of Bihar and the credit balances of the State with Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day shall be divided between the States of Bihar and Jharkhand according to the population ratio:

Treasury and
bank balances.

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balance of the two States in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Jharkhand has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

44. The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the successor State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the successor State in whose territories the place of assessment of that tax or duty is included on the appointed day.

Arrears of
taxes

45. (1) The right of the existing State of Bihar to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the successor State in which that area is included on that day.

Right to
recover loans
and advances.

(2) The right of the existing State of Bihar to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Bihar:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Bihar and Jharkhand according to the population ratio.

46. (1) The securities held in respect of the investments made from Cash Balances Investment Account or from any Fund in the Public Account of the existing State of Bihar as specified in the Seventh Schedule shall be apportioned in the ratio of population of the successor States:

Investments
and credits in
certain funds.

Provided that the securities held in investments made from the Calamity Relief Fund of the existing State of Bihar shall be divided in the ratio of the area of the territories occupied by the successor States:

Provided further that the balance in the Reserve Funds in the Public Account of Bihar created wholly out of appropriations from the Consolidated Fund of the existing State of Bihar, to the extent the balances have not been invested outside Government account, shall not be carried forward to similar Reserve Funds in the Public Account of, successor States.

(2) The investments of the existing State of Bihar immediately before the appointed day, in any special fund, the objects of which are confined to a local area, shall belong to the State in which that area is included on the appointed day.

(3) The investments of the existing State of Bihar immediately before the appointed day in any private, commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the cash balance investment account, shall pass to the State in which the principal seat of business of the undertaking is located.

(4) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Bihar or any part thereof has, by virtue of the provisions of Part II, becomes an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the existing State of Bihar made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the States of Bihar and Jharkhand in the same proportion in which the assets of the body corporate are divided under the provisions of this Part.

Assets and
liabilities of
State
undertakings.

47. (1) The assets and liabilities relating to any commercial or industrial undertaking of the existing State of Bihar shall pass to the State in which the undertaking is located.

(2) Where a depreciation reserve fund is maintained by the existing State of Bihar for any such commercial or industrial undertaking, the securities held in respect of investments made from that fund shall pass to the State in which the undertaking is located.

Public Debt.

48. (1) All liabilities on account of Public Debt and Public Account of the existing State of Bihar outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is provided under the provisions of this Act.

(2) The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor State to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India:

Provided that till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Bihar shall continue to be the liabilities of the successor State of Bihar.

(3) The liability on account of loans raised from any source and re-lent by the existing State of Bihar to such entities as may be specified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States as specified in sub-section (4).

(4) The public debt of the existing State of Bihar attributable to loan taken from any source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall—

(a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or

(b) if re-lent to the Bihar State Electricity Board, the Bihar State Road Transport Corporation, or the Bihar Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the States of Bihar and Jharkhand in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII of this Act.

(5) Where a sinking fund or a depreciation fund is maintained by the existing State of Bihar for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the successor States of Bihar and Jharkhand in the same proportion in which the total public debt is divided between the two States under this section.

18 of 1944.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

49. The liability of the existing State of Bihar in respect of any floating loan to provide short-term finance to any commercial undertaking shall be the liability of the State in whose territories the undertaking is located.

Floating Debt.

50. The liability of the existing State of Bihar to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the successor State in whose territories the property is situated, and the liability of the existing State of Bihar to refund any other tax or duty collected in excess shall be the liability of the successor State in whose territories the place of assessment of that tax or duty is included.

Refund of taxes collected in excess.

51. (1) The liability of the existing State of Bihar in respect of any civil deposit or loan fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made.

Deposits, etc.

(2) The liability of the existing State of Bihar in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment under the terms thereof, are confined.

52. The liability of the existing State of Bihar in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted.

Provident fund.

53. The liability of the existing State of Bihar in respect of pensions and other retirement benefits shall pass to, or be apportioned between, the successor States of Bihar and Jharkhand in accordance with the provisions contained in the Eighth Schedule to this Act.

Pensions.

54. (1) Where, before the appointed day, the existing State of Bihar has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

Contracts.

(a) if the purposes of the contract are, on and from the appointed day, exclusive purposes of either of the successor States of Bihar and Jharkhand; and

(b) any other case, of the State of Bihar;

and all rights and liabilities which have accrued, or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the existing State of Bihar, be rights or liabilities of the State of Jharkhand or the State of Bihar, as the case may be:

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the successor States of Bihar and Jharkhand or in default of such agreement, as the Central Government may, by order, direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

Liability in respect of actionable wrong.

55. Where, immediately before the appointed day, the existing State of Bihar is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,—

(a) if the cause of action arose wholly within the territories which, as from that day, are the territories of either of the successor States of Bihar or Jharkhand, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Bihar, but subject to such financial adjustment as may be agreed upon between the States of Bihar and Jharkhand or, in default of such agreement, as the Central Government may, by order, direct.

Liability as guarantor.

56. Where, immediately before the appointed day, the existing State of Bihar is liable as guarantor in respect of any liability of a registered co-operative society or other person, that liability of the existing State of Bihar shall—

(a) if the area of operations of such society or persons is limited to the territories which, as from that day, are the territories of either of the States of Bihar or Jharkhand, be a liability of that successor State; and

(b) in any other case, be initially a liability of the State of Bihar, subject to such financial adjustment as may be agreed upon between the States of Bihar and Jharkhand or, in default of such agreements, as the Central Government may, by order, direct.

Items in suspense.

57. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Residuary provision.

58. The benefit or burden of any asset or liability of the existing State of Bihar not dealt with in the foregoing provisions of this Part shall pass to the State of Bihar in the first instance, subject to such financial adjustment as may be agreed upon between the States of Bihar and Jharkhand or, in default of such agreement, as the Central Government may, by order, direct.

Apportionment of assets or liabilities by agreement.

59. Where the successor States of Bihar and Jharkhand agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Power of Central Government to order allocation or adjustment in certain cases.

60. Where, by virtue of any of the provisions of this Part, any of the successor States of Bihar and Jharkhand becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government is of opinion, on a reference made within a period of three years from the appointed day by either of the States, that it is just and equitable that property or those benefits should be transferred to, or shared with, the other successor State, or that a contribution towards that liability should be made by the other successor State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order, determine.

Certain expenditure to be charged on Consolidated Fund.

61. All sums payable either by the State of Bihar or by the State of Jharkhand to the other States or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

62. (1) The following bodies corporate constituted for the existing State of Bihar, namely:—

- | | |
|-------------|---|
| 54 of 1948. | (a) the State Electricity Board constituted under the Electricity Supply Act, 1948; |
| 58 of 1962. | (b) the State Warehousing Corporation established under the Warehousing Corporations Act, 1962; |
| 64 of 1950. | (c) the State Road Transport Corporation established under the Road Transport Act, 1950, |

Provisions as to Bihar State Electricity Board, State Warehousing Corporation and State Road Transport Corporation.

shall, on and from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Board or the Corporation shall include a direction that the Act under which the Board or the Corporation was constituted shall, in its application to that Board or Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Board or the Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved on such date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the successor States of Bihar and Jharkhand in such manner as may be agreed upon between them within one year of the dissolution of the Board or the Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may, by order, determine:

Provided that any liabilities of the said Board relating to the unpaid dues of the coal supplied to the Board by any public sector coal company shall be provisionally apportioned between the State Electricity Boards constituted respectively in the successor States of the existing State of Bihar or after the date appointed for the dissolution of the Board under this sub-section in such manner as may be agreed upon between the Governments of the successor States within one month of such dissolution or if no agreement is reached, in such manner as the Central Government may, by order, determine subject to reconciliation and finalisation of the liabilities which shall be completed within three months from the date of such dissolution by the mutual agreement between the successor States or failing such agreement by the direction of the Central Government:

Provided further that an interest at the rate of two per cent. higher than the Cash Credit interest shall be paid on outstanding unpaid dues of the coal supplied to the Board by the public sector coal company till the liquidation of such dues by the concerned State Electricity Board constituted in the successor States on or after the date appointed for the dissolution of the Board under this sub-section.

(4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Bihar, or, as the case may be, the Government of the State of Jharkhand from constituting, at any time on or after the appointed day, a State Electricity Board or a State Warehousing Corporation or a Road Transport Corporation the State under the provisions of the Act relating to such Board or Corporation; and if such a Board or Corporation is so constituted in either of the States before the dissolution of the Board or the Corporation referred to in sub-section (1),—

(a) provision may be made by order of the Central Government enabling the new Board or the new Corporation to take over from the existing Board or Corporation all or any of its undertakings, assets, rights and liabilities in that State, and

(b) upon the dissolution of the existing Board or Corporation,—

(i) any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board or the new Corporation instead of to that State;

(ii) any employee who would otherwise have been transferred to or re-employed by that State under sub-section (3), read with clause (i) of sub-section (5), shall be transferred to or re-employed by the new Board or the new Corporation instead of to or by that State.

(5) An agreement entered into between the successor States under sub-section (3) and an order made by the Central Government under that sub-section or under clause (a) of sub-section (4) may provide for the transfer or re-employment of any employee of the Board or the Corporation referred to in sub-section (1),—

(i) to or by the successor States, in the case of an agreement under sub-section (4) or an order made under that sub-section;

(ii) to or by the new Board or the new Corporation constituted under sub-section (4), in the case of an order made under clause (a) of that sub-section,

and, subject to the provisions of section 65, also for the terms and conditions of service applicable to such employees after such transfer or re-employment.

Continuance of arrangements in regard to generation and supply of electric power and supply of water.

63. If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it is, by virtue of the provisions of Part II of this Act, outside the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

Provisions as to Bihar State Financial Corporation.

64. (1) The Bihar State Financial Corporation established under the State Financial Corporation Act, 1951 shall, on and from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

63 of 1951.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation may include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Board of Directors of the Corporation may, with the previous approval of the Central Government and shall, if so required by the Central Government, convene at any time after the appointed day a meeting for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new Corporation, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction.

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court at Patna and Jharkhand as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof.

63 of 1951.

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the States of Bihar and Jharkhand from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporations Act, 1951.

Provisions as to certain companies.

1 of 1956.

65. (1) Notwithstanding anything contained in the foregoing provisions of this Part, each of the companies specified in the Ninth Schedule to this Act shall, on and from the appointed day and until otherwise provided for in any law, or in any agreement among the successor States, or in any direction issued by the Central Government, continue to function in the areas in which it was functioning immediately before that day; and the Central Government may, from time to time, issue such directions in relation to such functioning as it may deem fit, notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law.

(2) Any directions issued under sub-section (1) in respect of a company referred to in that sub-section, may include directions—

(a) regarding the division of the interests and shares of existing State of Bihar in the company among the successor States;

(b) requiring the reconstitution of the Board of Directors of the company so as to give adequate representation to both the successor States.

66. (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the existing State of Bihar or any part thereof has, by virtue of the provisions of Part II of this Act, become an inter-State body corporate, then, the body corporate shall, on and from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

General provision as to statutory corporations.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

59 of 1988.

67. (1) Notwithstanding anything contained in section 88 of the Motor Vehicles Act, 1988, a permit granted by the State Transport Authority of the existing State of Bihar or any Regional Transport Authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport Authority of Jharkhand or any Regional Transport Authority therein for the purpose of validating it for use in such area:

Temporary provisions as to continuance of certain existing road transport permits.

Provided that the Central Government may, after consultation with the successor State Government or Governments concerned add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted.

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in any of the successor States under any such permit, if such vehicle was, immediately before that day, exempt

from the payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Government or Governments concerned, authorise the levy of any such toll, entrance fees or other charges, as the case may be.

68. Where on account of the reorganisation of the existing State of Bihar under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then notwithstanding anything contained in section 25F, 25FF or 25FFF of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any compensation under that section:

Special provisions relating to retrenchment compensation in certain cases.

14 of 1947.

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment;

(b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation under section 25F, 25FF or 25FFF of the Industrial Disputes Act, 1947 on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

14 of 1947.

69. Where the assets, rights and liabilities of any body corporate carrying on business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses or profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of Chapter VI of the Income-tax Act, 1961 shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of Chapter VI of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

Special provision as to income-tax.

43 of 1961.

70. (1) The Government of State of Bihar or Jharkhand, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments before the 1st day of December, 2001 or if no agreement is reached by the said date as may be fixed by order of the Central Government.

Continuance of facilities in certain State institutions.

(2) The Central Government may, at any time before the 1st day of December, 2001 by notification in the Official Gazette, specify in the Tenth Schedule any other institution existing on the appointed day in the States of Bihar and Jharkhand and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

Provisions
relating to All-
India Services.

71. (1) In this section, the expression "State cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954;

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954; and

(c) in relation to the Indian Forest Service, has the meaning assigned to it in the Indian Forest Service (Cadre) Rules, 1966.

(2) In place of the cadres of the Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Bihar, there shall, on and from the appointed day, be two separate cadres, one for the State of Bihar and the other for the State of Jharkhand in respect of each of these services.

(3) The initial strength and composition of the State cadres referred to in sub-section (2) shall be such as the Central Government may, by order, determine before the appointed day.

(4) The members of each of the said service borne on the Bihar cadre thereof immediately before the appointed day shall be allocated to the State cadres of the same service constituted under sub-section (2) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, on or after the appointed day, of the All-India Service Act, 1951, or the rules made thereunder.

61 of 1951.

Provisions
relating to
services in
Bihar and
Jharkhand.

72. (1) Every person who immediately before the appointed day is serving in connection with the affairs of the existing State of Bihar shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Bihar unless he is required, by general or special order of the Central Government to serve provisionally in connection with the affairs of the State of Jharkhand:

Provided that no direction shall be issued under this section after the expiry of a period of one year from the appointed day.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the successor State to which every person referred to in sub-section (1) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to a successor State shall, if he is not already serving therein be made available for serving in the successor State from such date as may be agreed upon between the Governments concerned or in default of such agreement, as may be determined by the Central Government.

Other
provisions
relating to
services.

73. (1) Nothing in section 72 shall be deemed to affect on or after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to determination of the conditions of service of persons serving in connection with the affairs of the Union or any State:

Provided that the conditions of service applicable immediately before the appointed day in the case of any person deemed to have been allocated to the State of Bihar or to the State of Jharkhand under section 72 shall not be varied to his disadvantage except with the previous approval of the Central Government.

(2) All services prior to the appointed day rendered by a person—

(a) if he is deemed to have been allocated to any State under section 72, shall be deemed to have been rendered in connection with the affairs of that State;

(b) if he is deemed to have been allocated to the Union in connection with the administration of the Jharkhand shall be deemed to have been rendered in connection with the affairs of the Union,

for the purposes of the rules regulating his conditions of service.

(3) The provisions of section 72, shall not apply in relation to members of any All-India Service.

74. Every person who, immediately before the appointed day is holding or discharging the duties of any post or office in connection with the affairs of the existing State of Bihar in any area which on that day falls within any of the successor States shall continue to hold the same post or office in that successor State, and shall be deemed, on and from that day, to have been duly appointed to the post or office by the Government of, or any other appropriate authority in, that successor State:

Provisions as to continuance of officers in same post.

Provided that nothing in this section shall be deemed to prevent a competent authority, on and from the appointed day, from passing in relation to such person any order affecting the continuance in such post or office.

75. The Central Government may by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

Advisory Committees.

(a) the discharge of any of its functions under this Part; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this Part and the proper consideration of any representations made by such persons.

76. The Central Government may give such directions to the State Government of Bihar and the State Government of Jharkhand as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

Power of Central Government to give directions.

77. (1) The Public Service Commission for the existing State of Bihar shall, on and from the appointed day, be the Public Service Commission for the State of Bihar.

Provisions as to State Public Service Commission.

(2) The persons holding office immediately before the appointed day as Chairman or other member of the Public Service Commission for the existing State of Bihar shall, as from the appointed day, be the Chairman or, as the case may be, the other member of the Public Service Commission for the State of Bihar.

(3) Every person who becomes Chairman or other member of the Public Service Commission for the State of Bihar on the appointed day under sub-section (2), shall—

(a) be entitled to receive from the Government of the State of Bihar conditions of service not less favourable than those to which he was entitled under the provisions applicable to him;

(b) subject to the proviso to clause (2) of article 316, hold office or continue to hold office until the expiration of his term of office as determined under the provisions applicable to him immediately before the appointed day.

(4) The report of the Bihar Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of the States of Bihar and Jharkhand, and the Governor of the State of Bihar shall, on receipt of such report, cause a copy thereof together with a memorandum explaining as far as possible, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Bihar and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Jharkhand.

PART IX

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

Water
Resources
Development
and its
Management.

78. (1) Notwithstanding anything contained in this Act but subject to the provisions of section 79, all rights and liabilities of the existing State of Bihar in relation to water resource projects in relation to,—

(i) Ganga and its tributaries; and

(ii) Sone and its tributaries,

shall, on the appointed day be the rights and liabilities of the successor States in such proportion as may be fixed and subject to such adjustments as may be made, by agreement entered into by the said States after consultation with the Central Government, or, if no such agreement is entered into within two years of the appointed day, then the Central Government may, by order, determine within one year having regard to the purposes of the project:

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government.

(2) An agreement or order referred to in sub-section (1) shall, where an extension or further development of any of the projects referred to in that sub-section after the appointed day is undertaken, be the rights and liabilities of the successor States in relation to such extension or further development.

(3) The rights and liabilities referred to in sub-sections (1) and (2) shall include,—

(a) the right to receive and utilise the water available for distribution as a result of the projects; and

(b) the right to receive and utilise the power generated as a result of the projects,

but shall not include the rights and liabilities under any contract entered into before the appointed day by the Government of the existing State of Bihar with any person or authority other than Government.

Constitution
and functions
of
Management
Board.

79. (1) The Central Government shall constitute a Board to be called the Ganga and Sone Management Board (hereinafter referred to as the Board) for administration, construction, maintenance and operation of projects referred to in sub-section (1) of section 78 for any or for a combination of following purposes, namely:—

(i) Irrigation;

(ii) Rural and Urban Water Supply;

(iii) Hydro Power generation;

(iv) Navigation;

(v) Industries; and

(vi) for any other purpose which the Central Government may, by notification in the Official Gazette, specify.

(2) The Board shall consist of—

(a) a whole-time Chairman and two whole-time members to be appointed by the Central Government;

(b) a representative each of the Government of the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh to be nominated by the respective Governments;

(c) two representatives of the Central Government to be nominated by that Government.

(3) The functions of the Board shall include—

(a) the regulation of supply of water from the projects referred to in sub-section (1) of section 78 to States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh having regard to—

(i) any agreement entered into or arrangement made covering the Governments of existing State of Bihar and the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh, and

(ii) the agreement or the order referred to in sub-section (2) of section 78;

(b) the regulation of supply of power generated at the projects referred to in sub-section (1) of section 78, to any Electricity Board or other authority incharge of the distribution of power having regard to—

(i) any agreement entered into or arrangement made covering the Governments of existing State of Bihar and the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh, and

(ii) the agreement or the order referred to in sub-section (2) of section 78;

(c) the examination of the requirement of funds for various projects in terms of the programme laid down for such projects and to advise the apportionment of the expenditure to the participating States keeping in view the agreement on the sharing of costs;

(d) to decide the withdrawal of water from the reservoirs during the construction period for irrigation and power purposes with a view to securing better use of available water;

(e) the responsibility of devising programme of resettlement for persons displaced as a result of Irrigation Projects;

(f) construction of such of the remaining or new works connected with the development of the water resource project relating to the rivers or their tributaries as the Central Government may specify by notification in the Official Gazette; and

(g) such other functions as the Central Government may after consultation with the Governments of the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh entrust to it.

80. (1) The Board may employ such staff, as it may consider necessary for the efficient discharge of its functions under this Act:

Staff of the
Management
Board.

Provided that every person who immediately before the constitution of the said Board was engaged in the construction, maintenance or operation of the works relating to the projects referred to in sub-section (1) of section 78 shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of the service as were applicable to him before such constitution until the Central Government by order, directs otherwise:

Provided further that the said Board may at any time in consultation with the State Governments or the Electricity Board concerned and with prior approval of the Central Government retain any such person for service under that State Government or Board.

(2) The Government of the States of Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh shall at all times provide the necessary funds to the Board to meet all expenses (including the salaries and allowances of the staff) required for the discharge of its functions and such amounts shall be apportioned among the States concerned in such proportion as the Central Government may having regard to the benefits to each of the said States specify.

(3) The Board shall be under the control of the Central Government and shall comply with such directions, as may from time to time, be given to it by that Government.

(4) The Board may, with the approval of the Central Government delegate such of its powers, functions and duties as it may deem fit to the Chairman of the said Board or to any officer subordinate to the Board.

(5) The Central Government may, for the purpose of enabling the Board to function efficiently, issue such directions to the State Governments concerned, or any other authority, and the State Governments, or the other authority shall comply with such directions.

Jurisdiction of the Board.

81. (1) The Board shall, ordinarily exercise jurisdiction in regard to any of the projects referred to in sub-section (1) of section 78 over headwork (barrages, dams, reservoir, regulating construction), part of canal network and transmission lines necessary to deliver water or power to the States concerned.

(2) If any question arises as to whether the Board has jurisdiction under sub-section (1) over any project referred thereto, the same shall be referred to the Central Government for decision thereon.

Power to make regulations.

82. The Board may, with the prior approval of the Central Government by notification in the Official Gazette, make regulations consistent with this Act and orders made thereunder, to provide for—

(a) regulating the time and place of meetings of the Board and the procedure to be followed for the transaction of business at such meetings;

(b) delegation of powers and duties to the Chairman or any officer of the Board;

(c) the appointment and regulation of the conditions of service of the officers and other staff of the Board; and

(d) any other matter for which regulations are considered necessary by the Board.

PART X

LEGAL AND MISCELLANEOUS PROVISIONS

Amendment of Act 37 of 1956.

83. On and from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (c), for the words "Bihar", the words "Bihar and Jharkhand" shall be substituted.

Territorial extent of laws.

84. The provisions of Part II of this Act shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Bihar shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Bihar before the appointed day.

Power to adapt laws.

85. For the purpose of facilitating the application in relation to the State of Bihar or Jharkhand of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

Power to construe laws.

86. Notwithstanding that no provision or insufficient provision has been made under section 85 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Bihar or Jharkhand, construe the law in such manner,

without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to name authorities, etc., for exercising statutory functions.

87. The Government of the State of Jharkhand, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Legal proceedings.

88. Where immediately before the appointed day, the existing State of Bihar is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the States of Bihar and Jharkhand under this Act, the State of Bihar or Jharkhand which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the existing State of Bihar or added as a party to those proceedings, and the proceedings may continue accordingly.

Transfer of pending proceedings.

89. (1) Every proceeding pending immediately before the appointed day before a court (other than the High Court), tribunal, authority or officer in any area which on that day falls within the State of Bihar shall, if it is a proceeding relating exclusively to the territory, which as from that day, is the territory of Jharkhand State, stand transferred to the corresponding court, tribunal, authority or officer of that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court at Patna and the decision of that High Court shall be final.

(3) In this section—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in the State of Jharkhand means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority, or officer in that State, as may be determined after the appointed day by the Government of that State or the Central Government, as the case may be, or before the appointed day by the Government of the existing State of Bihar to be the corresponding court, tribunal, authority or officer.

Right of pleaders to practise in certain cases.

90. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the existing State of Bihar shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Jharkhand.

Effect of provisions of the Act inconsistent with other laws.

91. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove difficulties.

92. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

THE FIRST SCHEDULE

(See section 8)

(i) Of the seven sitting members whose term of office will expire on 9th April, 2002, namely, Maulana Obaidullah Khan, Shri Ven Dhamma Viriyo, Shri Nagendra Nath Ojha, Shri Prem Chand Gupta, Shri Ranjan Prasad Yadav, Shri Shatrughan Sinha and Shri Ram Deo Bhandari; Maulana Obaidullah Khan and such other as the Chairman of the Council of States may determine by drawing lot, shall be deemed to have been elected to fill two of the seats allotted to the State of Jharkhand and the other five sitting members shall be deemed to have been elected to fill five of the seats allotted to the State of Bihar.

(ii) Of the seven sitting members whose term of office will expire on 7th July, 2004, namely, Shri Shibu Soren, Shri Gaya Singh, Shri Parmeshwar Kumar Agrawala, Shri Anil Kumar, Dr. R.K. Yadav Ravi, Shri Kapil Sibal, Smt. Saroj Dubey; Shri Shibu Soren and Shri Parmeshwar Kumar Agrawala shall be deemed to have been elected to fill two of the seats allotted to the State of Jharkhand and the other five sitting members shall be deemed to have been elected to fill five of the seats allotted to the State of Bihar.

(iii) Of the eight sitting members whose term of office will expire on 2nd April, 2006, namely, Shri S.S. Ahluwalia, Smt. Kum Kum Rai, Shri Faguni Ram, Shri Mahendra Prasad, Shri Ravi Shankar Prasad, Shri Rajiv Ranjan Singh, Shri Ram Kumar Anand and Shri Vijay Singh Yadav, such two as the Chairman of the Council of the States may determine by drawing lot shall be deemed to have been elected to fill two of the seats allotted to the State of Jharkhand and the other six sitting members shall be deemed to have been elected to fill six of the seats allotted to the State of Bihar.

THE SECOND SCHEDULE

(See section 10)

In the Delimitation of Parliamentary and Assembly Constituencies Order, 1976,—

(i) in Schedule I—

(a) for serial number 3 and the entries relating thereto, the following shall be substituted, namely:—

1	2	3	4	5	6	7
"3 Bihar	53	7	5	40	7	..";

(b) after serial number 21, the following serial number and entries shall be inserted, namely:—

1	2	3	4	5	6	7
"21A	Jharkhand	14	1	5";

(ii) in Schedule II,—

(a) for serial number 3 and the entries relating thereto, the following shall be substituted, namely:—

1	2	3	4	5	6	7
"3 Bihar	318	45	29	243	39	..";

(b) after serial number 21, the following serial number and entries shall be inserted, namely:—

1	2	3	4	5	6	7
"21A	Jharkhand	81	9	28";

(iii) in Schedule V,—

(a) in Part A—Parliamentary Constituencies,—

(A) serial numbers 26 to 28, 44 to 54 and the entries relating thereto shall be omitted;

(B) against serial number 29,—

(1) the entry "158 Deoghar (SC)" shall be omitted;

(2) after entry "172-Amarpur", the entry "173-Dhuraiya" shall be inserted;

(C) against serial number 30, the entry "164-Mahagama" shall be omitted;

(D) against serial number 32, for entry "179-Tarapur" the entry "177 Chakai, 179-Tarapur" shall be substituted;

(E) against serial number 40, after entry "241-Goh", the entry "251-Imamganj (SC)" shall be inserted;

(F) against serial number 42, for entry "256-Atri", the entry "255-Fatehpur (SC), 256-Atri" shall be substituted;

(G) against serial number 43, after entry "253-Bodhgaya (SC)", the entry "254-Barachatti (SC)" shall be inserted;

(b) in Part B-Assembly Constituency, serial numbers 147 to 164, 262 to 324 and the entries relating thereto shall be omitted.

(iv) after Schedule XXII, the following Schedule shall be inserted, namely:—

"SCHEDULE XXIIA

JHARKHAND

PART A.—PARLIAMENTARY CONSTITUENCIES

Serial No.	Name and extent in terms of assembly constituencies
1.	Rajmahal (ST). —1-Rajmahal, 2-Boiro (ST), 3-Barhait (ST), 4-Litipara (ST), 5-Pakaur, 6-Maheshpur (ST).
2.	Dumka (ST). —7-Sikaripara (ST), 8-Nala, 9-Jamtara, 14-Sarath, 10-Dumka (ST), 11-Jama (ST).
3.	Godda. —13-Madhupur, 15-Deoghar (SC), 12-Jarmundi, 16-Poreyahat, 17-Godda, 18-Mahagama.
4.	Chatra. —27-Chatra (SC), 26-Simaria (SC), 74-Latehar (SC), 75-Panki, 73-Manika (ST).
5.	Kodarma. —19-Kodarma, 20-Barkatha, 28-Dhanwar, 29-Bagodar, 30-Jamua (SC), 31-Gandey.
6.	Giridih. —32-Giridih, 33-Dumri, 34-Gomia, 35-Bermo, 42-Tundi, 43-Baghmara.
7.	Dhanbad. —36-Bokaro, 38-Sindri, 39-Nirsa, 40-Dhanbad, 41-Jharia, 37-Chandankiyari (SC).
8.	Ranchi. —50-Ichagarh, 61-Silli, 62-Khijri (ST), 63-Ranchi, 64-Hatia, 65-Kanke (SC).
9.	Jamshedpur. —41-Bahragora, 45-Ghatsila (ST), 46-Potka (ST), 47-Jugsalai (SC), 48-Jamshedpur-East, 49-Jamshedpur-West.
10.	Singbhum (ST). —51-Seraikela (ST), 52-Chaibasa (ST), 53-Majhgaon (ST), 54-Jagannathpur (ST), 55-Manoharpur (ST), 56-Chakaradharpur (ST).
11.	Khunti (ST). —57-Kharsawan (ST), 58-Tamar (ST), 59-Torpa (ST), 60-Khunti (ST), 71-Kolebira (ST), 70-Simdega (ST).
12.	Lohardaga (ST). —66-Mandar (ST), 67-Sisai (ST), 68-Gumla (ST), 69-Bishunpur (ST), 72-Lohardagga (ST).
13.	Palamu (SC). —76-Daltonganj, 80-Garhwa, 81-Bhawanathpur, 77-Bishrampur, 78-Chhatarpur (SC), 79-Hussainabad.
14.	Hazaribagh. —21-Barhi, 22-Barkagaon, 23-Ramgarh, 24-Mandu, 25-Hazaribagh.

PART B.—ASSEMBLY CONSTITUENCIES

Serial No.	Name and extent of constituencies
SAHEBGANJ DISTRICT	
1.	Rajmahal. —Rajmahal and Sahebganj Police Stations in Rajmahal sub-division.
2.	Borio (ST). —Borio and Taljhari Police Stations in Rajmahal sub-division; and Boarijor Police Station (excluding G.Ps Rajabhita, Kero, Kairasol, Bara Telo and Barapipra) in Godda sub-division.
3.	Barhait (ST). —Barhait and Ranga Police Stations in Rajmahal sub-division; and Sundarpahari Police Station and G.Ps. Rajabhita, Kero, Kairasol, Bara Telo and Barapipra in Boarijar Police Station in Godda sub-division.

Serial No.	Name and extent of constituencies
------------	-----------------------------------

PAKAUR DISTRICT

4. Litipara (ST).—Litipara, Amrapara and Hiranpur Police Stations in Pakaur sub-division; and Gopikandar Police Station in Dumka Sadar sub-division.

5. Pakaur.—Pakaur Police Station in Pakaur sub-division; and Barharwa Police Station in Rajmahal sub-division.

6. Maheshpur (ST).—Maheshpur and Pakuria Police Stations in Pakaur sub-division.

DUMKA DISTRICT

7. Sikaripara (ST).—Sikaripara, Raneshwar and Kathikund Police Stations in Dumka Sadar sub-division.

8. Nala.—Nala and Kundahit Police Stations in Jamtara sub-division.

9. Jamtara.—Jamtara Police Station (excluding G.Ps. Karmatanr, Sahajpur, Pindari, Lakhanpur, Rataniya, Rampurbhitra and Kajra) and Narayanpur Police Station in Jamtara sub-division.

10. Dumka (ST).—Dumka Town, Dumka Muffassil and Masalia Police Stations in Dumka Sadar sub-division.

11. Jama (ST).—Jama and Ramgarh Police Stations in Dumka Sadar sub-division.

12. Jarmundi.—Jarmundi Police Station in Dumka Sadar sub-division; and Sarawan Police Station in Deoghar sub-division.

DEOGHAR DISTRICT

13. Madhupur.—Madhupur and Karon Police Stations and G.Ps. Kusmil, Chanddih, Pathra and Basbariya in Jasidih Police Station in Deoghar sub-division.

14. Sarath.—Sarath and Palojsori Police Stations in Deoghar sub-division; and G.Ps. Karmatanr, Shahajpur, Pindari, Lakhanpur, Rataniya, Rampurbhitra and Kajra in Jamtara Police Station in Jamtara sub-division.

15. Deoghar (SC).—Deoghar town and Mohanpur Police Stations and Jasidih Police Station (excluding G.Ps. Kusmil, Chanddih, Pathra and Basbariya) in Deoghar sub-division.

GODDA DISTRICT

16. Poreyahat.—Poreyahat Police Station and G.Ps. Burhikura, Dammajhilua, Sandmara, Nonbatta, Makhni, Pathra and Punsia in Godda Police Station in Godda sub-division; and Saraiyahat Police Station in Dumka Sadar sub-division.

17. Godda.—Godda Police Station (excluding G.Ps. Burhikura, Dammajhilua, Sandmara, Nonbatta, Makhni, Pathra and Punsia) and Pathargama Police Station in Godda sub-division.

18. Mahagama.—Mahagama and Meherma Police Stations in Godda sub-division.

KODARMA DISTRICT

19. Kodarma.—Kodarma and Sargawan Police Stations in Kodarma sub-division.

HAZARIBAGH DISTRICT

20. Barkatha.—Barkatha and Jainagar Police Stations in Kodarma sub-division; and Ichak Police Stations in Kodarma sub-division; and Ichak Police Station in Hazaribagh Sadar sub-division.

21. Barhi.—Barhi Police Station in Hazaribagh Sadar sub-division; and Chauparan Police Station in Kodarma sub-division.

Serial No.	Name and extent of constituencies
------------	-----------------------------------

22. Barkagaon.—Barakgaon Police Station and G.Ps. Terpa, Patratu, Koto, Palani, Hapuhua, Harijarpur Gegda, Deoria, Bargama, Pali, Salgo, Sanki, Jabo, Chaingara, Chikor, Lapanga, Ghutua, Barkakana and Sidhwar-Kalan in Ramgarh Police Station in Hazaribagh Sadar sub-division.

23. Ramgarh.—Ramgarh Police Station (excluding G.Ps. Terpa, Patratu, Koto, Palani, Hapuhua, Harijarpur, Gegda, Deoria, Bargama, Pali, Salgo, Sanki, Jabo, Chaingara, Chikor, Lapanga, Ghutua, Barkakana and Sidhwar-Kalan) and Gola Police Station in Hazaribagh Sadar sub-division.

24. Mandu.—Mandu and Bishungarh Police Stations in Hazaribagh Sadar sub-division.

25. Hazaribagh.—Hazaribagh Police Station in Hazaribagh Sadar sub-division.

CHATRA DISTRICT

26. Simaria (SC).—Simaria, Itkhori and Tandwa Police Stations in Chatra sub-division.

27. Chatra (SC) .—Chatra, Pratappur and Hunterganj Police Stations in Chatra sub-division.

GIRIDIH DISTRICT

28. Dhanwar.—Dhanwar and Gawan Police Stations in Giridih Sadar sub-division.

29. Bagodar.—Bagodar and Birni Police Stations in Giridih Sadar sub-division.

30. Jamua (SC).—Jamua and Deori Police Stations in Giridih Sadar sub-division.

31. Gandey.—Gandey and Bengabad Police Stations and G.Ps. Leda, Semaria, Badgunda, Palmo, Sathibad, Senadoni, Dhanaidih, Guro, Jitpur, Telodih, Ranidih and Karharbari in Giridih Mufassil Police Station in Giridih Sadar sub-division.

32. Giridih.—Giridih Town Police Station and Giridih Mufassil Police Station (excluding G.Ps. Leda, Semaria, Badgunda, Palmo, Sathibad Senadoni, Dhanaidih, Guro, Jitpur, Telodih, Ranidih and Karharbari) and Pirtanr Police Station in Giridih Sadar sub-division.

33. Dumri.—Dumri Police Station in Giridih Sadar sub-division; and Nawadih Police Station in Bermo sub-division.

BOKARO DISTRICT

34. Gomia.—Gomia Police Station and Petarbar Police Station (excluding G.Ps. Champi, Rohar, Chando, Pichhri, Angwali and Chalkari) in Bermo sub-division.

35. Bermo.—Jaridih and Bermo Police Stations and G.Ps. Champi, Rohar, Chando, Pichhri, Angwali and Chalkari in Petarbar Police Station in Bermo sub-division.

36. Bokaro.—Chas Police Station (excluding G.Ps. Bijulia, Alkusa, Buribinor, Khamarbendi, Dudhigajar, Kura Dabartupara, Jaitara, Pundru and Sardaha) in Baghmara sub-division.

37. Chandankiyari (SC).—Chandankiyari Police Station and G.Ps. Bijulia, Alkusa, Buribinor, Khamarbendi, Dudhigajar, Kura, Dabartupara, Jaitara, Pundru and Sardaha in Chas Police Station in Baghmara sub-division.

DHANBAD DISTRICT

38. Sindri.—Sindri, Baliapur and Gobindpur Police Station in Dhanbad Sadar sub-division.

39. Nirsa.—Nirsa and Chirkunda Police Stations in Dhanbad Sadar sub-division.

Serial No.	Name and extent of constituencies
------------	-----------------------------------

40. Dhanbad.—Dhanbad, Putki and Kenduadih Police Stations in Dhanbad Sadar sub-division.

41. Jharia.—Jharia and Jorapokhar Police Stations in Dhanbad Sadar sub-division.

42. Tundi.—Tundi Police Station in Dhanbad Sadar sub-division; Topchanchi Police Station and G.Ps. Dharkiro, Daludih, Rajganj, Bagdaha, Dhawachita, Nagri Kalan and Ramkanalichandur in Katras Police Station in Baghmara sub-division

43. Baghmara.—Baghmara Police Station and Katras Police Station (excluding G.Ps. Dharkiro, Daludih, Rajganj, Bagdaha, Dhawachita, Nagri Kalan and Ramkanalichandur) in Baghmara sub-division; and Jogta Police Station in Dhanbad Sadar sub-division.

(EAST) SINGHBHUM DISTRICT

44. Baharagora.—Baharagora and Chakulia Police Stations in Dhalbhum sub-division.

45. Ghatsila (ST).—Ghatsila Police Station and Musabnai Police Station (excluding G.Ps. Palasbani, Asta Koyali, Nunia, Kumarasol, Barakanjiya, Bomaro Bangoriya and Damudih) in Dhalbhum sub-division.

46. Potka (ST).—Potka Police Station, G.Ps. Palasbani, Asta Koyali, Nunia, Kumarasol, Barakanjiya, Bomaro Bangoriya and Damudih in Musabnai Police Station, Bagbera town and G.Ps. Karandih - Purihasa, Hargarghutu, Bagbera and village 1167-Kitadih in Jugsalai Police Station in Dhalbhum sub-division.

47. Jugsalai (SC).—Jugsalai Police Station (excluding Bagbera town and G.Ps. Karandih - Purihasa, Hargarghutu, Bagbera and village 1167-Kitadih) Golmuri and Patamda Police Station in Dhalbhum sub-division.

48. Jamshedpur East.—Census wards 20 and 23 to 40 in Jamshedpur Notified Area Committee in Dhalbhum sub-division.

49. Jamshedpur West.—Jamshedpur Notified Area Committee (excluding census wards 20 and 23 to 40) in Dhalbhum sub-division.

(WEST) SINGHBHUM DISTRICT

50. Ichagarh.—Ichagarh, Chandil and Nimdih Police Stations in Seraikella sub-division.

51. Seraikella (ST).—Seraikella municipality and G.Ps. Govindpur, Pandra, Manik Bazar, Tangrani, Pathanmara, Jordiha, Gurgudia and Badakakda in Seraikella Police Station, Rajnagar Police Station (excluding village 98-Dighi) and Adityapur Police Station in Seraikella sub-division.

52. Chaibasa (ST).—Chaibasa Sadar and Jhinkpani Police Stations and Chaibasa Mufassil Police Station (excluding G.Ps. Bhoya, Keadchalam, Domra-Parnia, Lota, Thakuragutu, Dopai-Gamhariya, Sarda, Makamhatu, Khuntpani, Chiru and Rajabasa) in Chaibasa Sadar sub-division.

53. Majhgaon (ST).—Majhgaon and Manjhari Police Stations in Chaibasa Sadar sub-division.

54. Jaganathpur (ST).—Naomundi and Gua Police Stations and G.Ps. Kurtabera, Urkiya, Makaramda, Thalkobad, (Part I) and Chhotanagra (Part I) in Manoharpur Police Station in Chaibasa Sadar sub-division.

55. Manoharpur (ST).—Manoharpur Police Station [excluding G.Ps. Kurtabera, Urkiya, Makaramda, Thalkobad (Part I) and Chhotanagra (Part I)] and G.Ps. Beralumin, Jojoda, Serengda, Orenga, Jhilrua, Goilker, Kuira, Kadamdiha, Dalaikela, Sonua-Jorapokhar, Porahat, Sogoisai, Gudri Jarakel, Asantaliya, Dalki-Gobindpur, Bhalurangi,

Serial No.	Name and extent of constituencies
	Harimara, Tunian Gajpur, Bandu, Poronger, Koloeda, Kulda, Bari, Lonjo, Bera Kayam, Mamail, Piring, Komrora, Komrora-Dairyo, Dura-Jante and Banskata and Chakradharpur Police Station in Chaibasa Sadar sub-division.

56. Chakradharpur (ST).—Chakradharpur Police Station (excluding G.Ps. Beralumin, Jojoda, Serengda, Orenga, Jhilrui, Goilker, Kuira, Kadamdiha, Dalaikele, Sonua-Jorapokhar, Porahat, Sogoisai, Gudri Jarakele, Asantaliya, Dalki-Gobindpur, Bhalurangi, Harimara, Tunian Gajpur, Bandu, Poronger, Koloeda, Kulda, Bari, Lonjo, Bera Kayam, Mamail, Piring, Komrora, Komrora-Dairyo, Dura-Jante and Banskata) in Chaibasa Sadar sub-division.

57. Kharsawan (ST).—Kharsawan and Kuchai Police Stations and Seraikella Police Station (excluding Seraikella municipality and G.Ps. Govindpur, Para, Manik Bazar, Tangrani, Pathanmara, Joridha Gurugudia and Badakakda) and village 98-Dighi in Rajnagar Police Station in Seraikella sub-division; and G.Ps. Bhoya Keadchalam, Domra-Parnia, Lota, Thakurgutu, Dopai-Gamhariya, Sarda, Matkamhatu-Khuntepani, Chiru and Rajabasa in Chaibasa Mufassil Police Station in Chaibasa Sadar sub-division.

RANCHI DISTRICT

58. Tamar (ST).—Tamar, Erki and Bundu Police Stations in Khunti sub-divisions.

59. Torpa (ST).—Torpa and Rania Police Stations and G.Ps. Gumru, Gobindpur, Tilmi, Lapa, Jariagarh, Urikel and Hutub and Karra Police Station in Khunti sub-division; and Bano Police Station in Simdega sub-division.

60. Khunti (ST).—Khunti and Murhu Police Stations and Karra Police Station (excluding G.Ps. Gumru, Gobindpur, Tilmi, Lapa, Jariagarh, Urikel and Hutub) in Khunti sub-division.

61. Silli.—Silli Police Station, G.Ps. Barwadag, Tati, Jonha, Kashidih, Merha, Ambajharia and Kontatoli and Angara Police Station in Ranchi Sadar sub-division; and Sonahatu Police Station in Khunti sub-division.

62. Khijri (ST).—Ormanjhi, Mamkum and Hatia Police Stations and Angara Police Station (excluding G.Ps. Barwadag, Tati, Jonha, Kashidih, Merha, Ambajharia and Kontatoli) in Ranchi Sadar sub-division.

63. Ranchi.—Ranchi municipality in Ranchi Kotwali Police Station in Ranchi Sadar sub-division.

64. Hatia.—Jaganathpur, Ratu and Doranda Police Stations and Ranchi Kotwali Police Station (excluding Ranchi municipality) in Ranchi Sadar sub-division.

65. Kanke (SC).—Kanke, Ranchi Sadar, Burmu and Khelari Police Stations in Ranchi Sadar sub-division.

66. Mandar (ST).—Bero, Mandar and Lapung Police Stations, in Ranchi Sadar sub-division.

GUMLA DISTRICT

67. Sisai (ST).—Sisai, Kamdara and Basia Police Stations in Gumla sub-division.

68. Gumla (ST).—Gumla Municipality, G.Ps. Hurhuria, Ghatagaon, Asani, Chandali, Telgaon, Pugu, Bangaru, Karaundi, Dumardih and Murkunda in Gumla Police Station and Raidih, Chainpur and Dumri Police Stations in Gumla sub-division.

69. Bishunpur (ST).—Bishunpur and Ghaghra Police Stations and Gumla Police Station (excluding Gumla municipality and G.Ps. Hurhuria, Ghatagaon, Asani, Chandali, Telgaon, Pugu, Bangaru, Karaundi, Dumardih and Murkunda) in Gumla sub-division; and Senha Police Station in Lohardaga sub-division.

70. Simdega (ST).—Simdega and Kurdeg Police Stations in Simdega sub-division; and Palkot Police Station in Gumla sub-division.

Serial No.	Name and extent of constituencies
------------	-----------------------------------

71. Kolebira (ST).— Kolebira, Thethaitangar and Bolba Police Stations in Simdega sub-division.

LOHARDAGA DISTRICT

72. Lohardaga (ST).— Lohardaga, Kuru and Kisko Police Stations in Lohardaga sub-division.

PALAMAU DISTRICT

73. Manika (ST).— Latehar Police Station (excluding Latehar (N.A.C.) and G.Ps. Pochra, Luti, Kaima, Kura, Bishunpur, Mungar, Nindir, Laharpur and Zalim), Barwadih, Garoo and Mahuadanr Police Stations in Latehar sub-division.

74. Latehar (SC).— Latehar (N.A.C.), G.Ps. Pochra, Luti, Kaima, Kura, Bishunpur, Mungar, Nindir, Laharpur and Zalim in Latehar Police Station, Chandwa and Balumath Police Station in Latehar sub-division.

75. Panki. — Panki, Lesliganj and Manatu Police Station in Palamu Sadar sub-division.

76. Daltonganj. — Daltonganj and Chainpur Police Station in Palamu Sadar sub-division; and Bhandaria Police Station in Garhwa sub-division.

77. Bishrampur. — Bishrampur Police Station in Palamu Sadar sub-division; and Majhiaon Police Station in Garhwa sub-division.

78. Chhatarpur (SC). — Chhatarpur and Patan Police Station in Palamu Sadar sub-division.

79. Hussainabad. — Hussainabad and Hariharganj Police Station in Palamau Sadar sub-division.

GARHWA DISTRICT

80. Garhwa. — Garhwa Police Station (excluding G.Ps. Jarhi Balekhar, Raro, Sonehara and Dandai) and Ranka Police Station in Garhwa sub-division.

81. Bhawanathpur. — Bhawanathpur and Nagar Untari Police Station and G.Ps. Jarhi, Balekhar, Raro, Sonehara and Dandai in Garhwa Police Station in Garhwa sub-division.”.

THE THIRD SCHEDULE

(See section 17)

**SITTING MEMBERS WHO SHALL CONTINUE TO BE MEMBERS OF THE
BIHAR LEGISLATIVE COUNCIL TILL THEIR RESPECTIVE
PRESENT TERMS OF OFFICE**

(i) Members representing any of the eleven Constituencies specified in item (1) of the Third Schedule.

(ii) The following members elected by the members of the Bihar Legislative Assembly, namely:—

- “1. Shri Sarfaraj Ahmed
2. Shri Saryu Rai
3. Shri Mahavir Lal Vishwakarma
4. Shri Bhutnath Soren
5. Shri Rajendranath Shahdev
6. Smt. Vibha Ranjan
7. Shri Badri Narayan Lal”

THE FOURTH SCHEDULE*(See section 18)***AMENDMENTS TO THE DELIMITATION OF COUNCIL CONSTITUENCIES
(BIHAR) ORDER, 1951**

(1) In the Table, omit the entries relating to—

- (i) Bhagalpur-cum-North Chhotanagpur (Graduates) Constituency;
- (ii) South Chhotanagpur (Graduates) Constituency;
- (iii) Bhagalpur-cum-North Chhotanagpur (Teachers) Constituency;
- (iv) South Chhotanagpur (Teachers) Constituency;
- (v) Santhal Parganas (Local Authorities) Constituency;
- (vi) Hazaribagh (Local Authorities) Constituency;
- (vii) Giridih (Local Authorities) Constituency;
- (viii) Ranchi (Local Authorities) Constituency;
- (ix) Palamau (Local Authorities) Constituency;
- (x) Dhanbad (Local Authorities) Constituency;
- (xi) East Singhbhum-cum-West Singhbhum (Local Authorities) Constituency.

(2) In the Table, in column 2,—

- (i) against “Kosi (Graduates) Constituency” in column 1, after the word “khagaria”, insert the words “Bhagalpur Monghyr”;
- (ii) against “Kosi (Teachers) Constituency” in column 1, after the word “Khagaria”, insert the words “Bhagalpur Monghyr”.

THE FIFTH SCHEDULE

(See section 23)

AMENDMENT OF THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

In the Constitution (Scheduled Castes) Order, 1950, in the Schedule,—

(i) in Part III relating to State of Bihar, in item No. 5, the brackets and words “(excluding North Chhotanagpur and South Chhotanagpur divisions and Santal Pargnas district)”, shall be omitted;

(ii) after Part VI, Himachal Pradesh, the following shall be inserted, namely:—

“PART VIA—Jharkhand

1. Bantar
2. Baurri
3. Bhogta
4. Bhuiya
5. Chamar, Mochi
6. Choupal
7. Dabajar
8. Dhobi
9. Dom, Dhangad
10. Dusadh, Dhari, Dharhi
11. Ghasi
12. Halalkhor
13. Hair, Mehtar, Bhangi
14. Kanjar
15. Kuraiar
16. Lalbegi
17. Musahar
18. Nat
19. Pan, Sawasi
20. Pasi
21. Rajwar
22. Turi.”.

THE SIXTH SCHEDULE

(See section 24)

AMENDMENT TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

In the Constitution (Scheduled Tribes) Order, 1950,—

(1) in paragraph 2, for the figures "XIX", the figures "XX" shall be substituted;

(2) in the Schedule,—

(i) in Part III relating to State of Bihar, the item No. 6 and the entries relating thereto, shall be omitted, and the item Nos. 7 to 30 shall be renumbered as item Nos. 6 to 29;

(ii) after Part XIX, the following Part shall be inserted, namely:—

"Part XX — Jharkhand

1. Asur
2. Baiga
3. Banjara
4. Bathudi
5. Bedia
6. Binjhia
7. Birhor
8. Birjia
9. Chero
10. Chick Baraik
11. Gond
12. Gorait
13. Ho
14. Karmali
15. Kharia
16. Kharwar
17. Khond
18. Kisan
19. Kora
20. Korwa
21. Lohra
22. Mahli
23. Mal Pahariya
24. Munda
25. Oraon
26. Parhaiya
27. Santhal
28. Sauria Paharia
29. Savar
30. Bhumij."

THE SEVENTH SCHEDULE

[See section 46(1)]

(Investments and Credits in certain funds)

1. State Provident Funds.
2. Trusts and Endowments.
3. Insurance and Pensions Funds.
4. Depreciation Reserve Funds — relating to Government Commercial Departments and Undertakings.
5. Famine Relief Funds.
6. Investment Account.
7. Development Fund for Educational Purposes.
8. General Reserve Funds of Government Commercial Departments and Undertakings.
9. Zamindari Abolition Funds.
10. Calamity Relief Fund Investment Account.
11. Revenue Deposits.
12. Security Deposits.
13. Civil Courts' Deposits.
14. Criminal Courts' Deposits.
15. Personal Deposits.
16. Trust Interest Funds.
17. Public Works Deposits.
18. Forest Deposits.
19. Deposits of Public Funds.
20. Other Departmental Deposits.
21. Deposits under various Central and State Acts.
22. Deposits for work done for Public bodies or private individuals.
23. Deposits of fees received by Government servants for works done for private bodies.
24. Deposits in connection with Elections.
25. Mines Labour Welfare Deposits.
26. Deposits of Educational Institutions.
27. Unclaimed Deposits in the General Provident Fund.
28. Unclaimed Deposits in other Provident Funds.
29. Deposits on account of cost price of Liquor, Ganja and Bhang.
30. District Funds.
31. Municipal Funds.
32. Cantonment Funds.

33. Funds of Insurance Association.
34. State Transport Corporation Fund.
35. State Electricity Boards Working.
36. State Housing Funds.
37. Panchayats Bodies Funds.
38. Education Funds.
39. Medical and Charitable Funds.
40. Other Funds.
41. Subventions from Central Road Fund.
42. Miscellaneous Deposits.

THE EIGHTH SCHEDULE*(See section 53)***APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS AND OTHER RETIREMENT BENEFITS**

1. Subject to the adjustments mentioned in paragraph 3, each of the successor State shall in respect of pension and other retirement benefits sanctioned before the appointed date, pay from their respective treasuries.

2. Subject to the said adjustment, the liability in respect of pensions and other retirement benefits of officers serving in connection with the affairs of the existing State of Bihar who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions and other retirement benefits are outstanding immediately before that day, shall be the liability of the State of Bihar.

3. Subject to the said adjustments, sanctions of such pension and other retirement benefits by the competent authority may be given in those cases, in which their office falls in the territory of Jharkhand State.

4. There shall be computed, in respect of the period commencing on the appointed day and ending on the 31st day of March of that financial year and in respect of each subsequent financial year, the total payments made in all the successor States in respect of pensions and other retirement benefits referred to in paragraphs 1 and 2. The total representing the liability of the existing State of Bihar in respect of pensions and other retirement benefits shall be apportioned between the successor States in the ratio of number of employees of each successor State and any successor State paying more than its due share shall be reimbursed the excess amount by the successor State or State paying less.

5. The liability of the existing State of Bihar in respect of pensions and other retirement benefits granted before the appointed day and drawn in any area outside the territories of the existing State shall be the liability of the State of Bihar paying subject to adjustments to be made in accordance with paragraph 3 as if such pensions and other retirement benefits had been drawn in any treasury in the State of Bihar under paragraph 1.

6. The liability in respect of the pensions and other retirement benefits of any officer serving immediately before the appointed day in connection with the affairs of the existing State of Bihar and retiring on or after that day, shall be that of the successor State granting him the pension and other retirement benefits, but the portion of the pension and other retirement benefits attributable to the service of any such officer before the appointed day in connection with the affairs of the existing State of Bihar shall be allocated between the successor States in the population ratio and the Government granting the pension and other retirement benefits shall be entitled to receive from each of the other successor States its share of this liability.

7. Any reference in this Schedule to a pension and other retirement benefits shall be construed as including a reference to the commuted value of the pension and other retirement benefits.

THE NINTH SCHEDULE

[See section 65(1)]

LIST OF STATE OWNED CORPORATIONS/COMPANIES

1. Bihar State Industries Development Corporation.
2. Bihar State Leather Development Corporation.
3. Bihar State Electronics Development Corporation.
4. Bihar State Sugar Corporation Limited.
5. Bihar State Medicine and Chemical Development Corporation.
6. Bihar State Fruit and Vegetables Development Corporation.
7. Bihar State Dairy Corporation Limited.
8. Bihar State Agro Industries Corporation.
9. Bihar State Textiles Corporation Limited.
10. Bihar State Small Industries Corporation Limited.
11. Bihar State Handloom and Handicrafts Corporation.
12. Bihar State Khadi Gramudyog Board.
13. Bihar State Agriculture Marketing Board.
14. Bihar State Forest Development Corporation Limited.
15. Bihar State Export Development Corporation Limited.
16. Bihar State Seeds Corporation Limited.
17. Bihar State Fish Seeds Development Corporation Limited.
18. Bihar State Warehousing Corporation.
19. Bihar State Tourism Development Corporation Limited.
20. Bihar State Road Transport Corporation.
21. Bihar State Food and Civil Supplies Corporation.
22. Bihar State Text Book Publishing Corporation Limited.
23. Bihar State Construction Corporation Limited.
24. Bihar State Mineral Development Corporation Limited.
25. Bihar State Housing Board.
26. Bihar State Bridge Construction Corporation Limited.
27. Bihar State Police Building Construction Corporation Limited.
28. Bihar State Electricity Board.
29. Bihar State Hydroelectric Power Corporation Limited.
30. Bihar State Hill Area and Irrigation Development Limited.
31. Patna Industrial Area Development Authority.
32. Bokaro Industrial Area Development Authority.
33. Ranchi Industrial Area Development Authority.
34. Adityapur Industrial Area Development Authority.
35. North Bihar Industrial Area Development Authority.
36. Darbhanga Industrial Area Development Authority.
37. Patna Area Development Authority.
38. Ranchi Area Development Authority.

39. Muzaffarpur Area Development Authority.
40. Darbhanga Area Development Authority.
41. Gaya Area Development Authority.
42. Bihar State Pollution Control Board.
43. Bihar State Water and Sewage Disposal Board.
44. Bihar State Financial Corporation.
45. Bihar State Credit and Investment Corporation Limited.
46. Bihar State Panchayati Raj Finance Development Corporation Limited.
47. Bihar State Minorities Finance Corporation Limited.
48. Bihar State Film Development and Finance Corporation Limited.
49. Electricity Corporation Limited.
50. Mines Area Development Authority, Dhanbad.
51. Hazaribagh Mines Board.
52. Bhagalpur Regional Development Authority, Bhagalpur.
53. Women's Development Corporation.
54. Backward Classes Development Corporation.
55. Scheduled Castes Development Corporation.
56. Scheduled Tribes Development Corporation.

THE TENTH SCHEDULE

(See section 70)

CONTINUANCE OF FACILITIES IN CERTAIN STATE INSTITUTIONS

List of Training Institution/Centres

1. Sri Krishna Institute of Public Administration.
2. Police Training College.
3. Bihar Institute of Rural Development.
4. Village Handicrafts Training Centre.
5. Tribal Village Handicraft Training Centres.
6. Training-cum-Production Centres for Toys, Ceramic Goods, Embroidery and Applique, Hornmade Goods and Cutting and Tailoring.
7. Ideal Woodwork Workshops/Iron Workshops.
8. Indo Danish Tool Room and Training Centre, Jamshedpur.
9. All Government Industrial Institutes
 - Affiliated with N.C.V.T.
 - Un-affiliated.
10. All Private Industrial Institutes
 - Affiliated with N.C.V.T.
 - Un-affiliated.
11. B.I.T., Sindri.
12. R.I.T., Jamshedpur.
13. Government Polytechnic, Dhanbad.
14. Government Polytechnic, Ranchi.
15. Government Polytechnic, Adityapur.
16. Government Polytechnic, Khutri.
17. Government Polytechnic, Lathehar.
18. Government Women's Polytechnic, Jamshedpur.
19. Government Women's Polytechnic, Ranchi.
20. Government Women's Polytechnic, Bokaro.
21. Mines Institution, Dhanbad.
22. Mines Institution, Bagha.
23. Mines Institution, Koderma.
24. Government Polytechnic, Dumka.
25. Government Women's Industrial School, Ranchi.
26. Government Women's Industrial School, Hazaribagh.
27. Government Women's Industrial School, Daltonganj.
28. Sainik School, Tilaiya.
29. Netarhat School.
30. Indira Gandhi Girls School, Hazaribagh.

STATEMENT OF OBJECTS AND REASONS

In his Address delivered to Parliament on the 25th day of October, 1999, the President stated that necessary action would soon be initiated for the creation of a new State of Vananchal. The Bill seeks to give effect to that commitment. The Bill aims at reconstituting the existing State of Bihar into two separate States. However, the new State will be called Jharkhand.

2. The Bill provides for the territories of the two States and makes the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislatures, distribution of revenues, apportionment of assets and liabilities, management and development of water resources and other matters.

3. The Government has set up a Unit in the Planning Commission under the direct charge of the Deputy Chairman, Planning Commission to deal exclusively with matters relating to the development of the rest of Bihar consequent upon the formation of the State of Jharkhand.

4. The proposed reorganisation of the existing State of Bihar will meet the democratic aspirations of the people of Jharkhand.

NEW DELHI;
The 14th May, 2000.

L. K. ADVANI.

Notes on clauses

Clause 2, sub-clause (h)—According to 1991 census, the population of the existing State of Bihar is 863.74 lakhs, the population of residuary State of Bihar is about 645.30 lakhs and that of Jharkhand is 218.44 lakhs. The population ratio between the States has been indicated as 645.30:218.44 on that basis.

Clause 3 provides for the formation of the new States of Jharkhand by transfer thereto 18 districts of the existing State of Bihar.

Clause 5 seeks to make consequential amendments in the First Schedule to the Constitution.

Clause 6 expressly saves the power of the State Government of successor States to alter thereafter the name, area or boundaries of any district or other territorial division within the State.

Clauses 7 and 8 deal with the representation of Bihar and Jharkhand in the Council of States (Rajya Sabha). At present there are 22 members representing the existing State of Bihar in Rajya Sabha. Considering the population of the proposed new State, it is proposed that 6 out of 22 seats may be allocated to Jharkhand. There are, at present only 3 members representing the Jharkhand region. These members along with three more members out of the remaining members (to be decided as prescribed in the First Schedule) will be deemed to have been allocated to Jharkhand.

Clauses 9 and 11 deal with the representation of successor States; Bihar and Jharkhand, in the House of the People. There are at present 54 members representing the existing State of Bihar in the House of the People. The number of seats proposed to be allocated to Jharkhand is 14 and the remaining 40 members will continue to represent the State of Bihar. Consequential amendments will be made in the First Schedule to the Representation of the People Act, 1950.

Clause 10 seeks to make modifications in the First Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 in view of the formation of the new State of Jharkhand and the transfer of certain territories from the existing State of Bihar.

Clauses 12 and 16: At present there are 324 elected members in the Legislative Assembly of Bihar and one member is nominated under article 333 of the Constitution. Out of 324 members, 243 members have been allotted to the residuary State of Bihar and 81 members to the successor State of Jharkhand. The nominated member may be deemed to have been nominated to the Legislative Assembly of Jharkhand. The allocation of seats in this case also has been based on the territorial location of the constituencies concerned. Necessary consequential amendments have been made in the Second Schedule to the Representation of the People Act, 1950.

Clauses 17 to 20 and the Third and Fourth Schedules deal with the Legislative Council of Bihar. At present there are 96 members in that Council. It is proposed not to have any Legislative Council in the State of Jharkhand and the strength of the Legislative Council of Bihar has been reduced from 96 to 75.

The Present term of MLC's representing Jharkhand region has been protected. Suitable safeguards have been provided in the Third and Fourth Schedules also.

Clauses 21 and 22 are meant to empower the Election Commission to determine the reservation status of Assembly seats and the adjustments in boundaries and description of the extent of Assembly and Parliamentary Constituencies in both the successor States.

Clauses 23 and 24 and the Fifth and Sixth Schedules—In view of the formation of the new State of Jharkhand, amendments providing for the lists of SCs and STs applicable

for Jharkhand are necessary in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950. Necessary modifications have been set out in the Fifth and Sixth Schedules to the Bill.

Clauses 25 to 37 deal with the provisions for separate High Courts for the States of Bihar and Jharkhand, their powers and functions, jurisdiction and the practice and procedure to be followed by them.

Clause 38: In order that the administration of the new State of Jharkhand can be carried on until the Legislature of that State has sanctioned expenditure from the Consolidated Fund of that State, and passed the necessary Appropriation Act, provision has been made in this clause for the Governor of Bihar to authorise at any time before the appointed day such expenditure as he thinks necessary for a period of six months from that date. A similar power is conferred on the Governor of Jharkhand after the appointed day.

Clause 39 contains the usual provision that the reports of the Comptroller and Auditor General of India for any period prior to the appointed day should be submitted to the Governors of Bihar and Jharkhand and empowers the President to take such further action as may be appropriate under the circumstances.

Clause 40 seeks to empower the President to determine the share of the States of Bihar and Jharkhand in the total amount payable to the existing State of Bihar on the recommendations of the Finance Commission constituted under article 280 of the Constitution, in such manner as he thinks fit.

Clauses 41 to 61 relate to apportionment of assets and liabilities of the State of Bihar among the successor States and are guided by the following principles:—

(i) going by natural, cardinal principles of succession, all the assets and liabilities should be apportioned in the ratio of population. The particular assets and liabilities to be transferred should be identified on considerations of nexus, proximity and expediency consistent with the requirement that the successor States should have fully and mutually exclusive executive/legislative control on all subjects having a direct territorial nexus within their territories, all the physical assets and liabilities, may not be suitable for allocation of financial assets and liabilities which should preferably be allocated by overall valuation and apportionment on the basis of population ratio. Further, the financial assets in the nature of rights to receive moneys (whether by way or arrears of tax or non-tax revenue or by way or recovery of loans) are to be apportioned on considerations of territorial nexus with the persons from whom the money are receivable. Other assets and liabilities may be apportioned primarily on the basis of territorial nexus, failing which on the basis of population.

(ii) the apportionment of assets and liabilities would be subject to such financial adjustment as may be necessary to secure just, reasonable and equitable apportionment of assets and liabilities amongst the successor States.

(iii) all liabilities on account of Public Debt and Public Account of the existing State of Bihar outstanding immediately before the appointed day shall be apportioned in the ratio of population of the successor States unless a different mode of apportionment is adopted under specific provisions of this Act. The individual items of liabilities to be allocated to the successor States and the amount of contribution required to be made by one successor States to another shall be such as may be ordered by the Central Government in consultation with the Comptroller and Auditor-General of India. Till such orders are issued, the liabilities on account of Public Debt and Public Account of the existing State of Bihar shall continue to be the liabilities of the successor State of Bihar. As an exception, the liability on account of loans raised and re-lent by the predecessor Government to such entities as are notified by the Central Government and whose area of operation is confined to either of the successor States would devolve on the respective States.

(iv) any dispute regarding the amount of financial assets and liabilities shall be settled through mutual agreement, failing which by order by Central Government on the advice of the Comptroller and Auditor-General of India.

(v) the outstanding Public Debt attributable to loans raised by the issue of Government securities and held by (General) public is sought to be retained in the books of Bihar (Successor) and Jharkhand is expected to contribute its share of servicing and repayment of the debt. The outstanding Public Debt attributable to loans received from Central Government agencies and re-lent to other bodies in the State is sought to be allocated on the basis of ultimate borrowers.

(vi) Subject to legislation by competent legislature, the successor States would be entitled to receive benefits arising out of the decisions taken by the predecessor State and the successor States would be liable to bear the responsibilities and liabilities rising out of the decisions taken by the predecessor State.

(vii) The liability of paying Retirement Benefits and Provident Fund balances to employees should be allocated on the basis of permanent allocation of the Government servants.

(viii) Contractual liabilities other than those of loans, guarantees, banks balances, securities and other financial obligations are sought to be allocated on the basis of the exclusive purpose of the contract or through agreement.

(ix) The right to recovery of loans and taxes would vest in the State according to the principal place of business/occupation of the loanee or assessee. The liabilities to refund any tax or duty on property including land revenue as also the right to collect arrears of tax or duty on property including land revenue would be allocated on the basis of the location of the taxed property.

(x) Items lying in suspense which are ultimately found to affect assets or liabilities may be dealt with according to the allocation of that asset/liability.

(xi) The liability on account of loans raised from any source and re-lent by the existing State of Bihar to such entities as are notified by the Central Government and whose area of operation is confined to either of the successor States shall devolve on the respective States.

(xii) The balances in the Reserve Funds in the Public Account of Bihar created wholly out of appropriations from the Consolidated Fund of Bihar, to the extent the balances have not been invested outside Government account should not be carried forward to similar Reserve Funds in the Public Account of Bihar and Jharkhand. The securities held in respect of investments made from Cash Balance Investment Account or from any fund in the Public Account of Bihar shall be apportioned in the ratio of population of the successor States.

Clause 62 enables the Bihar States Electricity Board, Bihar State Road Transport Corporation, and the Bihar State Warehousing Corporation to continue to function in the same areas as at present, even after the formation of the State of Jharkhand, i.e. on or after the appointed day. As and when the State of Jharkhand and the residuary State of Bihar set up their own Electricity Board, Road Transport Corporation, and Warehousing Corporations, etc, the existing entities will be dissolved and their assets and liabilities shall be transferred to the corresponding new entities in a manner specified in the Act.

Clause 63 empowers the Central Government to give direction to the State Government or other Authority concerned to ensure continuance of arrangements of supply of electric power and supply of water.

Clause 64 contemplates that the existing Bihar State Financial Corporation will continue to function in the same areas as at present, even after the appointed day, until a scheme is framed in this behalf for the reconstitution, reorganisation or dissolution of the corporation, including proposals regarding the formation of new corporations and transfer

thereto of all the assets, right and liabilities of the existing corporation. Such a scheme has to be approved at a general meeting of all the shareholders and sanctioned by the Central Government. In case of disagreement, the Central Government may refer the scheme to a Judge of the High Court of Bihar or Jharkhand whose decision thereon shall be final.

Clause 65 provides for continuance of functioning on and from the appointed day of the Companies specified in the Ninth Schedule, in the areas in which they were functioning before the appointed day and until otherwise provided for in any law, or in any agreement among successor States or in any direction of the Central Government including those for division of interests and shares in the Companies between successor States, or reconstitution of the Board of Directors so as to ensure adequate representation to the successor States. Therefore, there would be no need to go to the High Court for reconstitution of companies as otherwise required under the Companies Act, 1956.

Clause 66 specifies that in case any body corporate becomes an inter-State Corporate body, the same shall continue to function and operate subject to directions as may be issued by the Central Government, until any other provision is made by law in respect of the said body corporate.

Clause 67, inter alia, protects the rights of existing road transport permit holders. Any permit holder or undivided Bihar would not be required to again get it countersigned by the State Transport Authority or the successor States for use within the validity period. However, Central Government can give directions in this regard, if necessary.

Clause 68 contemplates that in case terms and conditions of service of an existing workman do not change to his disadvantage in the event of his absorption in any State organisation consequent to reorganisation, he would not be entitled to any compensation under the Industrial Disputes Act, 1947.

Clause 69 Under section 24 of the Indian Income Tax Act, 1924, an assessee who sustains a loss of profits or gains is entitled to have the amount of loss set off against his income under certain circumstances. It is proposed to extend the benefit of this section to a body corporate, to which the assets, rights and liabilities of any existing body corporate, including any loss sustained by it, are transferred under the provisions of Part VII.

Clause 70 provides that facilities in certain State Institutions as listed in the Tenth Schedule will continue to be available to both the successor States for such period as may be agreed upon between the two State Governments.

Clauses 71 to 77 concern provisions relating to Services. *Clause 71* provides for creation of two separate cadres for the State of Bihar and the new State of Jharkhand for the All India Services, in place of the existing cadre of Bihar in respect of these three services. It also confers power on the Central Government to determine the strength and composition of the new cadres and allocate individual officers thereto in consultation with the State Governments concerned. *Clauses 72 to 74* provide for allocation of officers, etc. serving under the Government of Bihar between the States of Bihar and Jharkhand. *Clause 77* provides that the Public Service Commission of existing State of Bihar would serve the successor State of Bihar after the appointed day. The new State of Jharkhand can constitute its own Public Service Commission under the provisions of Article 315 of the Constitution of India.

Clause 78 envisages that all rights and liabilities relating to water resources projects be the rights and liabilities of the successor State by agreement entered into by such States after consultation with the Central Government and if no agreement is reached within two years of the creation of the two States then the Central Government may determine within one year, having regard to the purpose of the projects. The rights and liabilities will include the right to receive and utilise the water available for distribution and to utilise the power generated as a result of such projects.

Clause 79 provides for the construction of the Ganga and Sone Management Board for administration, construction, maintenance and operation of water resources projects

relating to river systems mentioned in clause 78, for Irrigation, Power, Water Supply, etc., this clause also provides that the Chairman shall be appointed by the Central Government besides giving the composition and functions of the Board.

Clause 80 provides for the manner of staffing, protection of terms and conditions of employment of staff after reorganisation of the State of Bihar, share of the State in management cost, delegation of powers and power of Central Government to give directions to the Board for efficient functioning.

Clause 81 defines the jurisdiction of the Board and further provides that any question on jurisdiction shall be referred to the Central Government for decision thereon.

Clause 82 provides for regulation making powers to the Board consistent with the Act and rules made thereunder.

Clauses 83 to 92 are of miscellaneous and legal nature and they generally follow the corresponding provisions of the States Reorganisation Act. 1956.

FINANCIAL MEMORANDUM

Clause 40 of the Bill, which deals with distribution of revenues, provides that the President shall, by order, determine the share of the States of Bihar and Jharkhand and in the total amount payable to the existing State of Bihar on the recommendation of a Finance Commission constituted under article 280 of the Constitution of India, in such manner as he thinks fit. Leaving aside some marginal increase in the administrative expenditure of the departments and agencies of the Central Government in connection with the implementation of the proposed legislation, no additional expenditure will be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 40 of the Bill empowers the President to determine, by order, the share of the States of Bihar and Jharkhand in the total amount payable to the existing State of Bihar on the recommendation of a Finance Commission constituted under article 280 of the Constitution of India, in such manner as he thinks fit.

2. Clause 85 of the Bill provides that, for the purpose of facilitating the application in relation to the State of Bihar or Jharkhand of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaption and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

3. Clause 86 of the Bill deals with the power to construe laws. Clause 87 of the Bill deals with the power to name authorities, etc., for exercising statutory functions.

4. Similar provisions exist in other State Reorganisation Acts passed by Parliament earlier. These provisions are mainly of a consequential nature or pertain to matters of detail and procedure. As such, the proposed delegation of legislative power is of a normal character.

G. C. MALHOTRA,
Secretary General.